

EXHIBIT A

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN MATEO**

JANE DOE, individually and on behalf of all others similarly situated,

Case No. 21-CIV-06465

Plaintiff,

v.

META PLATFORMS, INC. (f/k/a Facebook, Inc.), a Delaware corporation,

CLASS ACTION COMPLAINT FOR:

- (1) STRICT PRODUCT LIABILITY
- (2) NEGLIGENCE

JURY DEMAND

Plaintiff Jane Doe, on behalf of herself and on behalf of a Class defined below, brings this Class Action Complaint and Demand for Jury Trial against Defendant Meta Platforms, Inc. (f/k/a Facebook, Inc. and d/b/a “Facebook”)¹ for compensatory damages, in excess of \$150 billion, in addition to punitive damages in an amount to be determined at trial. Plaintiff, for her Complaint, alleges as follows:

¹ Defendant Meta Platforms, Inc. is referred to throughout this Complaint as “Meta” or “Facebook.”

DETERMINING FOREIGN LAW - NOTICE

Plaintiff hereby gives notice that, to the extent Defendant Meta Platforms raises the Communications Decency Act, 47 U.S.C. § 230, as a defense to the claims asserted below, and to the extent that the Court were to find that the Communications Decency Act conflicts with Burmese law, Burmese law applies. Burmese law does not immunize social media companies for their role in inciting violence and contributing to genocide.

INTRODUCTION

1. The Rohingya people, a Muslim minority historically living in present-day Burma (internally renamed Myanmar following a military coup),² number over 1 million and are the largest stateless population in the world. While the Rohingya have long been the victims of discrimination and persecution, the scope and violent nature of that persecution changed dramatically in the last decade, turning from human rights abuses and sporadic violence into terrorism and mass genocide.

2. A key inflection point for that change was the introduction of Facebook into Burma in 2011, which materially contributed to the development and widespread dissemination of anti-Rohingya hate speech, misinformation, and incitement of violence—which together amounted to a substantial cause, and perpetuation of, the eventual Rohingya genocide. A stunning declaration of a former Facebook employee now turned whistleblower, states “Facebook executives were fully aware that posts ordering hits by the Myanmar government on the minority Muslim Rohingya were spreading wildly on Facebook...”, and that “...the issue of the Rohingya being targeted on Facebook was well known inside the company for years.” This

² Throughout this Complaint, “Myanmar” will be used in reference the ruling military government, while “Burma” will be used to refer to the country itself. See *U.S. Relations With Burma*, US STATE DEPARTMENT, <https://www.state.gov/u-s-relations-with-burma/> (“The military government changed the country’s name to ‘Myanmar’ in 1989. The United States government continues to use the name ‘Burma.’”)

1 information, and the whistleblower's knowledge of Facebook's lack of response, led this person
 2 to conclude: "I, working for Facebook, had been a party to genocide."³

3 3. For years, the Myanmar military, along with the support of civilian terrorists in
 4 the majority Buddhist population, have treated the Rohingya as less than human, limiting their
 5 rights, restricting their movements, and committing widespread human rights violations. While
 6 various incidents of violence occurred periodically for years, nothing could prepare the
 7 Rohingya, or the international community, for what was to come after Facebook entered the
 8 picture in 2012.

9 4. Following confrontations on the Rakhine State border, the Myanmar military, and
 10 its civilian conspirators, now armed with Facebook to organize and spread terror, escalated their
 11 brutal crackdown, carrying out violent acts of ethnic cleansing that defy comprehension.

12 5. In the ensuing months and years, tens of thousands of Rohingya were brutally
 13 murdered, gang raped, and tortured. Men, women, and children were burned alive inside their
 14 homes and schools. Family members were tortured, raped, and killed in front of each other. More
 15 than ten thousand lost their lives, while hundreds of thousands were brutalized, maimed, and
 16 bore witness to indescribable violence and misery that they will carry with them for the rest of
 17 their lives. Families were destroyed, childhoods were lost, lives were ruined, and entire
 18 communities were erased from the face of the earth.

19 6. As this wave of violence persisted with little end in sight, hundreds of thousands
 20 of Rohingya fled their home country and sought refuge around the world. The vast majority of
 21 those refugees ended up, and still live, in Bangladesh in what is now the largest refugee camp in
 22 the world. Over ten thousand individuals, including Plaintiff, eventually arrived in the United
 23 States and many are living here under refugee status.

24
 25
 26 3 Craig Timberg, *New whistleblower claims Facebook allowed hate, illegal activity to go*
 27 *unchecked*, THE WASHINGTON POST (Oct. 22, 2021),
 https://www.washingtonpost.com/technology/2021/10/22/facebook-new-whistleblower-complaint/.

1 7. The Rohingya people who are left in Burma live under constant threat of arrest,
 2 violence, abuse, and discrimination. Those who made it out, too, live in fear for themselves and
 3 their loved ones. Many Rohingya refugees around the world live in abject poverty and in highly
 4 unstable situations that could change at any time depending on the political climate of the
 5 country in which they now reside. Even those in the Bangladesh refugee camp are not safe: In
 6 September 2021, a well-known and outspoken Rohingya community leader was murdered in the
 7 camp, with many believing that the murder was carried out by supporters of the Myanmar
 8 military.

9 8. Woven throughout the years of this horrific tragedy are two constants: (1) the
 10 enduring resilience of the Rohingya people and (2) the willingness of Defendant Meta to
 11 knowingly facilitate the spread of anti-Rohingya hate speech, misinformation, and the
 12 widespread incitement of violence against the Rohingya people.

13 9. So deep was Facebook's penetration into daily life in Burma and its role in the
 14 out-of-control spread of anti-Rohingya content, that Marzuki Darusman, chairman of the U.N.
 15 Independent International Fact-Finding Mission on Myanmar, described Facebook as having
 16 played a "*determining role*" in the genocide. And, worst of all, it allowed the dissemination of
 17 hateful and dangerous misinformation to continue for years, long after it was repeatedly put on
 18 notice of the horrific and deadly consequences of its inaction.

19 10. Amazingly (at least to those not privy to Facebook's inner workings), Facebook
 20 has long been aware that hateful, outraged, and politically extreme content (especially content
 21 attacking a perceived "out-group") is oxygen to the company's blood. The more horrendous the
 22 content, the more it generates "engagement" (a measure of users' interaction with content on the
 23 system ("likes," "shares," comments, etc.)). As Facebook has determined through years of study
 24 and analysis: hate and toxicity fuel its growth far more effectively than updates about a user's
 25 favorite type of latte.

26 11. Rather than taking what it's learned to change its practices, Facebook made a
 27 corporate decision to lean into the hate. Its algorithms were carefully designed to actively exploit
 28

1 this opportunity, prioritizing divisive and polarizing content, including hate speech and
 2 misinformation about targeted groups, when delivering content to users and recommending that
 3 users make new connections or join new groups.

4 12. Facebook participates in and contributes to the development and creation of
 5 divisive content, including hate speech and misinformation. By ensuring that more users see and
 6 respond—in the form of “likes,” “shares,” and comments—to such toxic content, Facebook’s
 7 algorithms train users to post more hate speech and misinformation in order to garner more
 8 attention online.

9 13. This “growth at all costs” view of Facebook’s business is not speculative, or, for
 10 that matter, inconsistent with Facebook’s view of itself. Facebook’s Borg-like march toward
 11 further growth was best captured by one of its highest-ranking executives, Andrew Bosworth, in
 12 an internal memo circulated after a shooting death in the Chicago was stunningly live streamed
 13 on Facebook. It stated, in part:

14 We connect people.

15 That can be good if they make it positive. Maybe someone finds
 16 love. Maybe it even saves the life of someone on the brink of
 suicide.

17 So we connect more people.

18 That can be bad if they make it negative. Maybe it costs a life by
 19 exposing someone to bullies. **Maybe someone dies in a terrorist
 attack coordinated on our tools.**

20 And still we connect people.

21 **The ugly truth is that we believe in connecting people so deeply
 22 that anything that allows us to connect more people more often
 is *de facto* good...**

23 **That’s why all the work we do in growth is justified.** All the
 24 questionable contact importing practices. All the subtle language
 that helps people stay searchable by friends. All of the work we do
 to bring more communication in. The work we will likely have to
 do in China some day. All of it.

26 The natural state of the world is not connected. It is not unified. It
 27 is fragmented by borders, languages, and increasingly by different
 products. **The best products don’t win. The ones everyone use
 win.**

1 In almost all of our work, we have to answer hard questions about
 2 what we believe. We have to justify the metrics and make sure
 3 they aren't losing out on a bigger picture. **But connecting people.**
 4 **That's our imperative. Because that's what we do. We connect**
 5 **people.**⁴

6 14. In short, Facebook sees itself, at best, as an amoral actor on the world stage, with
 7 the sole objective of growth, regardless of how it impacts its users or the world more generally.
 8 To be clear, the last five years, and in fact just the last five months, have made it abundantly
 9 clear that Facebook's path to promote the very worst of humanity was not the result of a bug, but
 10 rather a carefully designed feature.⁵

11 15. The manifestation of this can be seen in nearly everything Facebook does. For
 12 example:

- 13 • Before and after the 2020 election, it failed to stop mass
 14 publication and reposting of misinformation about the legitimacy
 15 of the election and the subsequent calls for violence that
 16 culminated in the January 6th attack on our nation's Capitol;
- 17 • Facebook has known about human traffickers using its system for
 18 years, but only after “[i]t got so bad that in 2019”, and Apple
 19 threatened to pull Facebook and Instagram’s access to the App
 20 Store, did “Facebook employees rush[] to take down problematic
 21 content and make emergency policy changes avoid what they
 22 described as a ‘potentially severe’ consequence for the business.”⁶;
- 23 • In another ongoing example, throughout the COVID-19 global
 24 pandemic, Facebook has been a constant vehicle for the mass
 25 distribution of misinformation on COVID, masks, and vaccines;
 26 and

27 ⁴ Ryan Mac, *Growth At Any Cost: Top Facebook Executive Defended Data Collection In*
 28 *2016 Memo — And Warned That Facebook Could Get People Killed*, BUZZFEED
<https://www.buzzfeednews.com/article/ryanmac/growth-at-any-cost-top-facebook-executive-defended-data> (emphasis added).

29 ⁵ In most companies, the total disregard shown for the human toll of corporate action
 30 would have been met with termination; here, however, Andrew Bosworth not only stayed
 31 employed, but was in fact placed in charge of (and became a chief spokesman for) arguably the
 32 company's largest and most aggressive expansion ever: the “Metaverse.” See Kurt Wagner,
 33 *Who's Building Facebook's Metaverse? Meet CTO Andrew Bosworth*, BLOOMBERG (Oct. 27,
 34 2021), <https://www.bloomberg.com/news/articles/2021-10-27/facebook-fb-new-cto-andrew-bosworth-is-the-man-building-the-metaverse>.

35 ⁶ Clare Duffy, *Facebook has known it has a human trafficking problem for years. It still*
 36 *hasn't fully fixed it*, CNN (Oct. 25, 2021), <https://www.cnn.com/2021/10/25/tech/facebook-instagram-app-store-ban-human-trafficking/index.html>.

1 • Disturbingly, whistleblower Frances Haugen shed light on
 2 Facebook's knowledge that its websites, including both Facebook
 3 and Instagram, led to mental health and body-image issues, and in
 4 some cases, eating disorders and suicidal thoughts, in teens. Yet,
 Facebook's own internal research also showed that the more that
 teenagers had these thoughts and emotions, the *more they used the
 app*. So, it did nothing to protect the millions of children viewing
 its content daily and maintained the status quo.

5 16. The clear underlying message of the Bosworth memo above, as well as these
 6 examples, is one of sacrifice: that the victims of a terrorist attack can be sacrificed for
 7 Facebook's growth; that an innocent child who takes her own life because she is bullied can be
 8 sacrificed for Facebook's growth; that democracy can be sacrificed for Facebook's growth; that
 9 the mental and physical health of children can be sacrificed for Facebook's growth; that the
 10 prevention of a global pandemic can be scarified for Facebook's growth; and, as will be fully
 11 described here, that an entire ethnic population can be sacrificed for Facebook's relentless
 12 growth.

13 17. Because Facebook's algorithms recommend that susceptible users join extremist
 14 groups, where users are conditioned to post even more inflammatory and divisive content, it is
 15 naturally open to exploitation by autocratic politicians and regimes. By using large numbers of
 16 fake accounts (that Facebook not only fails to police but actually likes because they inflate the
 17 user data Facebook presents to the financial markets), these regimes can repeatedly post, like,
 18 share, and comment on content attacking ethnic minorities or political opponents. Because that
 19 content appears to generate high engagement, Facebook's algorithms prioritize it in the News
 20 Feeds of real users.

21 18. As such, Facebook's arrival in Burma provided exactly what the military and its
 22 civilian terrorists were praying for. Beginning around 2011, Facebook arranged for tens of
 23 millions of Burmese to gain access to the Internet for the first time, *exclusively through*
 24 *Facebook*. This resulted in a "crisis of digital literacy," leaving these new users blind to the
 25 prevalence of false information online. Facebook did nothing, however, to warn its Burmese
 26 users about the dangers of misinformation and fake accounts on its system or take any steps to
 27 restrict its vicious spread.

1 19. The brutal and repressive Myanmar military regime employed hundreds of
 2 people, some posing as celebrities, to operate fake Facebook accounts and to generate hateful
 3 and dehumanizing content about the Rohingya.

4 20. Anti-Rohingya content thereafter proliferated throughout the Facebook product
 5 for years. Human rights and civil society groups have collected *thousands* of examples of
 6 Facebook posts likening the Rohingya to animals, calling for Rohingya to be killed, describing
 7 the Rohingya as foreign invaders, and falsely accusing Rohingya of heinous crimes.

8 21. It was clearly foreseeable, and indeed known to Facebook, that, by prioritizing
 9 and rewarding users for posting dangerous and harmful content online—as well as by
 10 recommending extremist groups and allowing fake accounts created by autocrats to flourish on
 11 its system—Facebook would radicalize users in Burma, causing them to then support or engage
 12 in dangerous or harmful conduct in the offline world.

13 22. Despite having been repeatedly alerted between 2013 and 2017 to the vast
 14 quantities of anti-Rohingya hate speech and misinformation on its system, and the violent
 15 manifestation of that content against the Rohingya people, Facebook barely reacted and devoted
 16 scant resources to addressing the issue.

17 23. The resulting Facebook-fueled anti-Rohingya sentiment motivated and enabled
 18 the military government of Myanmar to engage in a campaign of ethnic cleansing against the
 19 Rohingya. To justify and strengthen its hold on power, the government cast, by and through
 20 Facebook, the Rohingya as foreign invaders from which the military was protecting the Burmese
 21 people. Widespread anger toward, and fear of, the Rohingya made it possible for the government
 22 to enhance its own popularity by persecuting the Rohingya. Meanwhile, few Burmese civilians
 23 objected to the attendant human rights abuses and eventual acts of genocide; indeed, as described
 24 herein, many civilians *actively participated* in atrocities committed against the Rohingya.

25 24. With the way cleared by Facebook, the military’s campaign of ethnic cleansing
 26 culminated with “clearance operations” that began in August 2017. Security forces, accompanied
 27 by civilian death squads armed with long swords, attacked dozens of Rohingya villages. More

1 than ten thousand Rohingya men, women, and children died by shooting, stabbing, burning, or
 2 drowning. Thousands of others were tortured, maimed, and raped. Whole villages were burned to
 3 the ground. More than 700,000 Rohingya eventually fled to squalid, overcrowded refugee camps
 4 in Bangladesh.

5 25. Not until 2018—after the damage had been done—did Facebook executives,
 6 including CEO Mark Zuckerberg and COO Sheryl Sandberg, meekly admit that Facebook
 7 should and could have done more to prevent what the United Nations has called “genocide” and
 8 a “human rights catastrophe.” Facebook’s underwhelming response failed to capture even a
 9 scintilla of the gravity of what it had done and the role it played, stating “we weren’t doing
 10 enough to help prevent our platform from being used to foment division and incite offline
 11 violence. We agree that we can and should do more.”⁷

12 26. The second part of its efforts to “do more” was to launch the virtual reality centric
 13 “Metaverse” to further force themselves into the lives of billions. As noted by prominent
 14 political commentator Dan Pfeiffer,

15 Facebook is one of the least liked, least trusted companies on the
 16 planet. They are in the middle of a massive scandal about their
 17 involvement in genocide, human trafficking, and disinformation.
 18 And their next move is to say: “What if you could live inside
 19 Facebook?”⁸

20 27. Still, years after their initial tepid admission of negligence, former Facebook
 21 employee and now prolific whistleblower, Frances Haugen, stated “[t]he company’s leadership
 22 knows how to make Facebook and Instagram safer but won’t make the necessary changes
 23 because they have put their astronomical profits before people.”⁹ Notably, in litigation pending

24 ⁷ Alex Warofka, *An Independent Assessment of the Human Rights Impact of Facebook in*
 25 *Myanmar*, FACEBOOK NEWSROOM (Nov. 5, 2018), <https://about.fb.com/news/2018/11/myanmar-myanmar/>.

26 ⁸ See @DanPfeiffer, TWITTER (Oct. 28, 2021, 3:24 PM)
 27 <https://twitter.com/danpfeiffer/status/1453819894487674899>.

28 ⁹ Abram Brown, *Facebook ‘Puts Astronomical Profits Over People,’ Whistle-Blower Tells Congress*, FORBES (Oct. 5, 2021),
 29 <https://www.forbes.com/sites/abrambrown/2021/10/05/facebook-will-likely-resume-work-on-instagram-for-kids-whistleblower-tells-congress/?sh=7385d0f74cda>.

1 before the International Court of Justice stemming from the Rohingya genocide, Facebook is at
 2 this very moment taking aggressive measures to conceal evidence of its involvement.¹⁰

3 28. Perhaps the most damning example of Facebook's continued failure in Burma is
 4 the ongoing—*to this day*—misinformation campaign being carried out on Facebook within the
 5 country. As reported by Reuters on November 2, 2021, the Myanmar military has

6 tasked thousands of soldiers with conducting what is widely referred to in the
 7 military as “information combat” ... The mission of the social media drive, part of
 8 the military’s broader propaganda operations, is to spread the junta’s view among
 9 the population, as well as to monitor dissenters and attack them online as traitors,
 10 ... “Soldiers are asked to create several fake accounts and are given content
 11 segments and talking points that they have to post” ... In over 100 cases, the
 12 messages or videos were duplicated across dozens of copycat accounts within
 13 minutes, as well as on online groups, purported fan channels for Myanmar
 14 celebrities and sports teams and purported news outlets ... Posts often referred to
 15 people who opposed the junta as “enemies of the state” and “terrorists”, and
 16 variously said they wanted to destroy the army, the country and the Buddhist
 17 religion.¹¹

18 29. At the core of this Complaint is the realization that Facebook was willing to trade
 19 the lives of the Rohingya people for better market penetration in a small country in Southeast
 20 Asia. Successfully reaching the majority of Burmese people, and continuing to operate there
 21 now, has a negligible impact on Facebook’s overall valuation and bottom line. Without the
 22

23 In a glaring example of Facebook’s failure to learn from its deadly mistakes in Burma,
 24 Haugen has provided documents demonstrating that history is currently repeating itself in
 25 Ethiopia, where acts of ethnic violence are being carried out against the Tigrayan minority
 26 amidst a raging civil war, again with the help of a Facebook-fueled misinformation and hate-
 27 speech campaign. See *Facebook is under new scrutiny for it’s role in Ethiopia’s conflict*, NPR
 28 (Oct. 11, 2021), <https://www.npr.org/2021/10/11/1045084676/facebook-is-under-new-scrutiny-for-its-role-in-ethiopias-conflict>. See also Mark Scott, *Facebook did little to moderate posts in the world’s most violent countries*, POLITICO (Oct. 25, 2021), <https://www.politico.com/news/2021/10/25/facebook-moderate-posts-violent-countries-517050> (“In many of the world’s most dangerous conflict zones, Facebook has repeatedly failed to protect its users, combat hate speech targeting minority groups and hire enough local staff to quell religious sectarianism”).

¹⁰ Robert Burnson, *Facebook’s Stance on Myanmar Genocide Records Assailed by Gambia*, BLOOMBERG (Oct. 28. 2021), <https://www.bloomberg.com/news/articles/2021-10-28/facebook-s-stance-on-myanmar-genocide-records-assailed-by-gambia>.

¹¹ Fanny Potkin, Wa Lone, *'Information combat': Inside the fight for Myanmar’s soul*, REUTERS (Nov. 2, 2021), <https://www.reuters.com/world/asia-pacific/information-combat-inside-fight-myanmars-soul-2021-11-01>.

1 Burma market, Facebook would still be worth \$1 trillion, Mark Zuckerberg would still be one of
2 the top ten richest people in the world, and its stock price would still be at astronomical levels.

3 30. In the end, there was so little for Facebook to gain from its continued presence in
4 Burma, and the consequences for the Rohingya people could not have been more dire. Yet, in the
5 face of this knowledge, and possessing the tools to stop it, it simply kept marching forward.¹²
6 That is because, once Facebook struck the Faustian Bargain that launched the company, it has
7 had blinders on to any real calculation of the benefits to itself compared to the negative impacts
8 it has on anyone else. Facebook is like a robot programed with a singular mission: to grow. And
9 the undeniable reality is that Facebook's growth, fueled by hate, division, and misinformation,
10 has left hundreds of thousands of devastated Rohingya lives in its wake.

PARTIES

12 31. Plaintiff Jane Doe is a natural person and a Rohingya Muslim refugee. Plaintiff
13 resides in Illinois.

14 32. Meta Platforms, Inc. is a corporation organized and existing under the laws of the
15 State of Delaware, with its principal place of business at 1 Hacker Way, Menlo Park, California
16 94025. Until October 2021, Defendant Meta was known as Facebook, Inc. Meta Platforms does
17 business in this County, the State of California, and across the United States.

JURISDICTION AND VENUE

19 33. This Court has jurisdiction over this action pursuant to Article VI, Section 10, of
20 the California Constitution and Cal. Code Civ. Proc. § 410.10.

¹² Angshuman Choudhury, *How Facebook Is Complicit in Myanmar's Attacks on Minorities*, THE DIPLOMAT (Aug. 25, 2020), <https://www.thediplomat.com/2020/08/how-facebook-is-complicit-in-myamars-attacks-on-minorities/> ("why would Facebook favor the regime in Myanmar? For the same reason it would do so in India: to protect business interests in a domestic market that it currently dominates by a wide margin. Imposing bans on government- or military-linked accounts could dilute this monopoly by drawing the ire of state regulators.") In 2020, Facebook similarly bowed to the demands of the Communist Vietnamese government to "censor posts with anti-state language rather than risk losing an estimated \$1 billion in annual revenue from the country." Peter Wade, *Facebook Bowed to Vietnam Government's Censorship Demands: Report*, ROLLING STONE (Oct. 25, 2021), <https://www.rollingstone.com/politics/politics-news/facebook-vietnam-censorship-1247323/>.

34. This Court has personal jurisdiction over Defendant because its principal place of business is located within this County. Plaintiff submits to the jurisdiction of the Court.

35. Venue is proper in this Court under Cal. Code Civ. P. § 395(a) because Defendant resides in this County.

FACTUAL BACKGROUND

I. The Defective Design of Facebook's Algorithms and Services

A. Facebook Designed Its Social Network to Maximize Engagement

36. Facebook's goal is to maximize "engagement," a metric reflecting the amount of time a user spends and the amount of interaction ("likes," "shares," comments, etc.) that the user has with any given content. For Facebook, engagement determines advertising revenue, which determines profits. "The prime directive of engagement ... is driven by monetization. It befits a corporation aiming to accelerate growth, stimulate ad revenue, and generate profits for its shareholders."¹³

37. In its SEC Form 10-K for the year ended December 31, 2012, Facebook warned:

if our users decrease their level of engagement with Facebook, our revenue, financial results, and business may be significantly harmed. The size of our user base and our users' level of engagement are critical to our success.... [O]ur business performance will become increasingly dependent on our ability to increase levels of user engagement and monetization.... Any decrease in user retention, growth, or engagement could render Facebook less attractive to developers and marketers, which may have a material and adverse impact on our revenue, business, financial condition, and results of operations. ... Our advertising revenue could be adversely affected by a number of ... factors, including: decreases in user engagement, including time spent on Facebook[.]¹⁴

38. Accordingly, Facebook intentionally incorporated engagement-based ranking of content into its system and the algorithms that drive it. Facebook's News Feed—the first thing

¹³ Luke Munn, *Angry by design: toxic communication and technical architectures*, HUMANIT SOC SCI COMMUN 7 (July 30, 2020), <https://www.nature.com/articles/s41599-020-00550-7>.

¹⁴ U.S. Securities and Exchange Commission Form 10-K, Facebook, Inc. (fiscal year ended Dec. 31, 2012) (“Facebook 2012 10-K”) at 13, 14,
<https://www.sec.gov/Archives/edgar/data/1326801/000132680113000003/fb-12312012x10k.htm#s5D6A63A4BB6B6A7AD01CD7A5A25638E4>.

1 that users see when opening up the app or entering the site and “the center of the Facebook
 2 experience”—is driven by engagement. Posts with higher engagement scores are included and
 3 prioritized in the News Feed, while posts with lower scores are buried or excluded altogether.
 4 “[T]he Feed’s … logics can be understood through a design decision to elevate and amplify
 5 ‘engaging’ content.... [T]he core logic of engagement remains baked into the design of the Feed
 6 at a deep level.”¹⁵

7 39. Facebook engineers and data scientists meet regularly to assess the billions of
 8 likes, comments and clicks Facebook users make every day to “divine ways to make us like,
 9 comment and click more,” so that users will keep coming back and seeing more ads from the
 10 company’s 2 million advertisers. Engineers are continually running experiments with a small
 11 share of Facebook users to boost engagement.¹⁶ Thus, Facebook’s design was the “result of
 12 particular decisions made over time.... Every area has undergone meticulous scrutiny ... by
 13 teams of developers and designers.... [Facebook] has evolved through conscious decisions in
 14 response to a particular set of priorities.”¹⁷

15 40. Facebook has consistently promoted and rewarded employees who contribute to
 16 the company’s growth through a relentless focus on increased engagement of Facebook users;
 17 employees who raise ethical and safety concerns tend to be ignored and marginalized and,
 18 eventually, left the company.¹⁸

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 20 ¹⁵ Luke Munn, *Angry by design: toxic communication and technical architectures*,
 HUMANIT SOC SCI COMMUN 7 (July 30, 2020), <https://www.nature.com/articles/s41599-020-00550-7>.

21
 22 ¹⁶ Victor Luckerson, *Here’s How Facebook’s News Feed Actually Works*, TIME (July 9,
 2015), <https://time.com/collection-post/3950525/facebook-news-feed-algorithm/>.

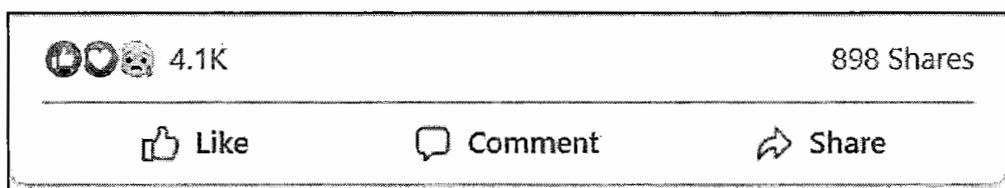
23 ¹⁷ Luke Munn, *Angry by design: toxic communication and technical architectures*,
 HUMANIT SOC SCI COMMUN 7 (July 30, 2020), <https://www.nature.com/articles/s41599-020-00550-7>.

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 25 ¹⁸ Katie Canales, ‘*Increasingly gaslit’: See the messages concerned Facebook employees
 wrote as they left the company*, BUSINESS INSIDER (Oct. 28, 2021),
<https://www.businessinsider.com/facebook-papers-employee-departure-badge-post-gaslit-burned-out-2021-10> (“[t]he employee said Facebook’s infamous growth-first approach leads to
 rolling out ‘risky features.’ If employees propose reversing that risk, they’re seen as being
 ‘growth-negative, and veto’d by decision makers on those grounds,’ they said. They also said it’s
 difficult to establish ‘win/wins,’ or to roll out features that promote both safety and growth”).

B. Facebook Prioritizes Hate Speech and Misinformation to Increase User Engagement

41. Facebook knows that the most negative emotions—fear, anger, hate—are the most engaging. Facebook employs psychologists and social scientists as “user researchers” to analyze its user’s behavior in response to online content. An internal Facebook presentation by one such researcher, leaked in May 2020, warned: “Our algorithms exploit the human brain’s attraction to divisiveness.... If left unchecked, ... [Facebook would feed users] more and more divisive content in an effort to gain user attention & increase time on the platform.”¹⁹

42. To maximize engagement, Facebook does not merely fill users' News Feeds with disproportionate amounts of hate speech and misinformation; it employs a system of social rewards that manipulates and trains users to create such content. When users post content, other users who are shown that content are prompted to "like," "comment" on, or "share" it. Under each piece of content, users can see how many times others have liked or shared that content and can read the comments. *See Figure 1.*



(Figure 1.)

43. A study published in February 2021 confirmed that, “[i]n online social media platforms, feedback on one’s behavior often comes in the form of a ‘like’—a signal of approval

¹⁹ Jeff Horwitz, Deepa Seetharaman, *Facebook Executives Shut Down Efforts to Make the Site Less Divisive*, WALL STREET JOURNAL (May 26, 2020), <https://www.wsj.com/articles/facebook-knows-it-encourages-division-top-executives-nixed-solutions-11590507499>.

1 from another user regarding one's post" and tested the assumption that likes "function as a social
 2 reward."²⁰

3 44. Roger McNamee, an early investor in Facebook and advisor to Mark Zuckerberg,
 4 wrote in his *New York Times* bestseller, "*Zucked: Waking Up to the Facebook Catastrophe*":

5 Getting a user outraged, anxious, or afraid is a powerful way to
 6 increase engagement. Anxious and fearful users check the site
 7 more frequently. Outraged users share more content to let other
 8 people know what they should also be outraged about. Best of all
 9 from Facebook's perspective, outraged or fearful users in an
 emotionally hijacked state become more reactive to further
 emotionally charged content. It is easy to imagine how
 inflammatory content would accelerate the heart rate and trigger
 dopamine hits.²¹

10 45. A *Nature* article published in 2020 further explained:

11 [I]ncendiary, polarizing posts consistently achieve high
 12 engagement.... This content is meant to draw engagement, to
 provide a reaction....

13 This divisive material often has a strong moral charge. It takes a
 14 controversial topic and establishes two sharply opposed camps,
 15 championing one group while condemning the other. These are the
 16 headlines and imagery that leap out at a user as they scroll past,
 17 forcing them to come to a halt. This offensive material hits a nerve,
 inducing a feeling of disgust or outrage. "Emotional reactions like
 outrage are strong indicators of engagement.... [T]his kind of
 divisive content will be shown first, because it captures more
 attention than other types of content." ...

18 The design of Facebook means that ... forwarding and
 19 redistribution is only a few clicks away.... Moreover, the
 20 networked nature of social media amplifies this single response,
 21 distributing it to hundreds of friends and acquaintances. They too
 receive this incendiary content and they too share, inducing ...
 "outrage cascades—viral explosions of moral judgment and
 disgust." Outrage does not just remain constrained to a single user,

22
 23
 24 ²⁰ Björn Lindström, Martin Bellander, David T. Schultner, Allen Chang, Philippe N. Tobler,
 25 David M. Amodio, *A computational reward learning account of social media engagement*,
 26 NATURE COMMUNICATIONS 12, Art. No. 1311 (Feb. 26, 2021),
 https://www.nature.com/articles/s41467-020-19607-x#:~:text=%20A%20computational%20reward%20learning%20account%20of%20social,our%20hypothesis%20that%20online%20social%20behavior%2C...%20More%20.

27 ²¹ Roger McNamee, *Zucked: Waking Up to the Facebook Catastrophe*, at 88 (Penguin 2020
 28 ed.).

1 but proliferates, spilling out to provoke other users and appear in
 2 other online environments.²²

3 46. Facebook knew that it could increase engagement and the length of time users
 4 spend on its websites (and subsequently increase its revenue) by adjusting its algorithms to
 5 manipulate users' News Feeds and showing them more negative content thus causing "massive-
 6 scale emotional contagion." In 2014, Adam Kramer, a member of Facebook's "Core Data
 7 Science Team," co-authored an article describing one of the experiments that Facebook
 8 conducted on its own users, stating,

9 we test whether emotional contagion occurs outside of in-person
 10 interaction between individuals by reducing the amount of
 11 emotional content in the News Feed ... Which content is shown or
 12 omitted in the News Feed is determined via a ranking algorithm
 13 that Facebook continually develops and tests in the interest of
 14 showing viewers the content they will find most relevant and
 15 engaging. One such test is reported in this study: A test of whether
 16 posts with emotional content are more engaging.

17 * * *

18 The results show emotional contagion.... [F]or people who had
 19 positive content reduced in their News Feed, a larger percentage of
 20 words in people's status updates were negative and a smaller
 21 percentage were positive ...

22 These results indicate that emotions expressed by others on
 23 Facebook influence our own emotions, constituting experimental
 24 evidence for massive-scale contagion via social networks.²³

25 47. Independent research unequivocally confirms that fake content thrives on
 26 Facebook over more reliable and trustworthy sources. In September 2021, the *Washington Post*
 27 reported on a "forthcoming peer-reviewed study by researchers at New York University and the
 28 Université Grenoble Alpes in France [which] found that from August 2020 to January 2021,
 news publishers known for putting out misinformation got six times the amount of likes, shares,

22 Luke Munn, *Angry by design: toxic communication and technical architectures*,
 HUMANIT SOC SCI COMMUN 7 (July 30, 2020), <https://www.nature.com/articles/s41599-020-00550-7>.

23 Adam D.I. Kramer, Jamie E. Guillory, and Jeffrey T. Hancock, *Experimental evidence of
 24 massive-scale emotional contagion through social networks*, 111 PROCEEDINGS OF THE
 25 NATIONAL ACADEMY OF SCIENCES OF THE UNITED STATES, no. 29 (June 17, 2014),
 26 <https://www.pnas.org/cgi/doi/10.1073/pnas.1320040111>.

1 and interactions on the [Facebook] platform as did trustworthy news sources, such as CNN or the
 2 World Health Organization.”²⁴

3 48. In testimony before Congress in September 2020, Tim Kendall, Facebook’s first
 4 Director of Monetization—likening Facebook’s business model to that of Big Tobacco—
 5 explained how such content makes Facebook addictive:

6 At Facebook, I believe we sought to mine as much human attention
 7 as possible and turn it into historically unprecedented profits. To
 8 do this, we didn’t simply create something useful and fun; we took
 a page from Big Tobacco’s playbook, working to make our
 offering addictive at the outset....

9 The next page in Big Tobacco’s playbook was to add
 10 bronchodilators to cigarettes. This allowed the smoke to get in
 11 contact with more surface area of the lungs. Allowing for
 misinformation, conspiracy theories, and fake news to flourish
 were Facebook’s bronchodilators.

12 But that incendiary content wasn’t enough. Tobacco companies
 13 then added ammonia to cigarettes to increase the speed with which
 14 nicotine traveled to the brain. Facebook’s ability to deliver this
 15 incendiary content to the right person, at the right time, in the exact
 16 right way—through their algorithms—that is their ammonia. And
 17 we now know it fosters tribalism and division.

18 Social media preys on the most primal parts of your brain; it
 19 provokes, it shocks, and it enrages....

20 Facebook and their cohorts worship at the altar of engagement and
 21 cast other concerns aside, raising the voices of division, anger,
 22 hate, and misinformation to drown out the voices of truth, justice,
 23 morality, and peace.²⁵

24 49. Content attacking opposing groups is particularly engaging. Zeynep Tufekci, a
 25 sociologist at University of North Carolina, has written that:

26 the new, algorithmic gatekeepers aren’t merely (as they like to
 27 believe) neutral conduits for both truth and falsehood. They make
 28 their money by keeping people on their sites and apps; that aligns
 their incentives closely with those who stoke outrage, spread

²⁴ Elizabeth Dwoskin, *Misinformation on Facebook got six times more clicks than factual news during the 2020 election, study says*, WASHINGTON POST (Sept. 4, 2021), <https://www.washingtonpost.com/technology/2021/09/03/facebook-misinformation-nyu-study/>.

²⁵ *Mainstreaming Extremism: Social Media’s Role in Radicalizing America: Hearing Before the House Subcommittee on Consumer Protection and Commerce*, 116th Congress (Sept. 24, 2020) (statement of Timothy Kendall).

1 misinformation, and appeal to people's existing biases and
 2 preferences.

3 [T]he problem is that when we encounter opposing views in the
 4 age and context of social media, it's not like reading them in a
 5 newspaper while sitting alone. It's like hearing them from the
 6 opposing team while sitting with our fellow fans in a football
 7 stadium. Online, we're connected with our communities, and we
 8 seek approval from our like-minded peers. We bond with our team
 9 by yelling at the fans of the other one. In sociology terms, we
 10 strengthen our feeling of "in-group" belonging by increasing our
 11 distance from and tension with the "out-group"—us versus
 12 them.... This is why the various projects for fact-checking claims
 13 in the news, while valuable, don't convince people. Belonging is
 14 stronger than facts.²⁶

15 50. A study published in June 2021 showed that posts attacking "others" (the "out-
 16 group") are particularly effective at generating social rewards, such as likes, shares, and
 17 comments, and that those reactions consist largely of expressions of anger:

18 We investigated whether out-group animosity was particularly
 19 successful at generating engagement on two of the largest social
 20 media platforms: Facebook and Twitter. Analyzing posts from
 21 news media accounts and US congressional members ($n =$
 22 2,730,215), we found that posts about the political out-group were
 23 shared or retweeted about twice as often as posts about the in-
 24 group.... Out-group language consistently emerged as the strongest
 25 predictor of shares and retweets.... Language about the out-group
 26 was a very strong predictor of "angry" reactions (the most popular
 27 reactions across all datasets).... In sum, out-group language is the
 28 strongest predictor of social media engagement across all relevant
 29 predictors measured, suggesting that social media may be creating
 30 perverse incentives for content expressing out-group animosity.²⁷

31 51. Another study, published in August 2021, analyzed how "quantifiable social
 32 feedback (in the form of 'likes' and 'shares')" affected the amount of "moral outrage" expressed
 33 in subsequent posts. The authors "found that daily outrage expression was significantly and
 34 positively associated with the amount of social feedback received for the previous day's outrage
 35 expression." The amount of social feedback is, in turn, determined by the algorithms underlying
 36 the social media product:

37 26 Zeynep Tufekci, *How social media took us from Tahrir Square to Donald Trump*, MIT
 38 TECHNOLOGY REVIEW (Aug. 14, 2018), <https://technologyreview.com/2018/08/14/240325/how-social-media-took-us-from-tahrir-square-to-donald-trump/>.

39 27 Steve Rathje, Jay J. Van Bagel, Sander van der Linden, *Out-group animosity drives*
 40 *engagement on social media*, 118 PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES (26),
 41 (June 29, 2021), <https://doi.org/10.1073/pnas.2024292118>.

1 Social media newsfeed algorithms can directly affect how much
 2 social feedback a given post receives by determining how many
 3 other users are exposed to that post. Because we show here that
 4 social feedback affects users' outrage expressions over time, this
 5 suggests that newsfeed algorithms can influence users' moral
 behaviors by exploiting their natural tendencies for reinforcement
 learning.... [D]esign choices aimed at ... profit maximization via
 user engagement can indirectly affect moral behavior because
 outrage-provoking content draws high engagement....²⁸

6 52. In other words, if a user makes two posts—one containing hateful, outraged, and
 7 divisive content and one lacking such content—Facebook's algorithms will show the hateful,
 8 outraged, and divisive post to more users. Consequently, the hateful, outraged, and divisive post
 9 is rewarded with more likes, shares, and comments. The user quickly learns that to obtain a
 10 reaction to his or her posts, he or she should incorporate as much hateful, outraged, and divisive
 11 content as possible.

12 53. On October 5, 2021, Frances Haugen, a former Facebook product manager,
 13 testified before Congress:

14 The dangers of engagement based ranking are that Facebook
 15 knows that content that elicits an extreme reaction from you is
 16 more likely to get a click, a comment or reshare. And it's
 17 interesting because those clicks and comments and reshares aren't
 18 even necessarily for your benefit, it's because they know that other
 19 people will produce more content if they get the likes and
 comments and reshares. They prioritize content in your feed so that
 you will give little hits of dopamine to your friends, so they will
 create more content. And they have run experiments on people,
 producer side experiments, where they have confirmed this.²⁹

20 54. Recently leaked documents confirm Facebook's ability to determine the type of
 21 content users post through its algorithms. After Facebook modified its algorithms in 2018 to
 22 boost engagement, “[t]he most divisive content that publishers produced was going viral on the

23
 24 ²⁸ William J. Brady, Killian McLoughlin, Tuan N. Doan, Molly J. Crockett, *How social
 learning amplifies moral outrage expression in online social networks*, 7 SCIENCE ADVANCES,
 25 no. 33 (Aug. 13, 2021), <https://www.science.org/doi/10.1126/sciadv.abe5641>. Posts were
 classified as containing moral outrage or not using machine learning.

26 ²⁹ *Facebook Whistleblower Frances Haugen Testifies on Children & Social Media Use:
 Full Senate Hearing Transcript*, REV (Oct. 5, 2021),
<https://www.rev.com/blog/transcripts/facebook-whistleblower-frances-haugen-testifies-on-children-social-media-use-full-senate-hearing-transcript>.

1 platform ... creating an incentive to produce more of it.... Company researchers discovered that
 2 publishers and political parties were reorienting their posts toward outrage and sensationalism.
 3 That tactic produced high levels of comments and reactions that translated into success on
 4 Facebook." Facebook researchers further discovered that "the new algorithm's heavy weighting
 5 of reshared material in its News Feed made the angry voices louder. 'Misinformation, toxicity,
 6 and violent content are inordinately prevalent among reshares,' researchers noted in internal
 7 memos." Facebook data scientists suggested "a number of potential changes to curb the tendency
 8 of the overhauled algorithm to reward outrage and lies" but "Mr. Zuckerberg resisted some of the
 9 proposed fixes, the documents show, because he was worried they might hurt the company's
 10 other objective—making users engage more with Facebook."³⁰

11 55. In October 2021, NBC News described, based on internal documents leaked by
 12 Frances Haugen, an experiment in which an account created by Facebook researchers
 13 experienced "a barrage of extreme, conspiratorial, and graphic content"—even though the
 14 fictitious user had never expressed interest in such content. For years, Facebook "researchers had
 15 been running [similar] experiments ... to gauge the platform's hand in radicalizing users,
 16 according to the documents seen by NBC News," and among Haugen's disclosures are
 17 "research, reports and internal posts that suggest Facebook has long known its algorithms and
 18 recommendation systems push some users to extremes."³¹

19 56. It is not surprising that the true nature of Facebook's algorithms has become fully
 20 apparent only through leaked documents and whistleblower testimony, since Facebook goes to
 21 great lengths to hinder outside academic research regarding the design of those algorithms. In a
 22 congressional hearing entitled "The Disinformation Black Box: Researching Social Media Data"
 23
 24

25 ³⁰ Keach Hagey, Jeff Horwitz, *Facebook Tried to Make Its Platform a Healthier Place. It Got Angrier Instead*, WALL STREET JOURNAL (Sept. 15, 2021),
 26 <https://www.wsj.com/articles/facebook-algorithm-change-zuckerberg-11631654215>.

27 ³¹ Brandy Zdrozny, "*Carol's Journey*": What Facebook knew about how it radicalizes users, NBC NEWS (Oct. 22, 2021), <https://www.nbcnews.com/tech/tech-news/facebook-knew-radicalized-users-rcna3581>.

1 on September 28, 2021, three social media researchers testified about Facebook's attempts to
 2 block their access to the data they needed:

- 3 • Laura Edelson of New York University testified: "this summer,
 Facebook cut off my team's access to their data. We used that very
 4 data to support the finding in our recent study that posts from
 misinformation sources on Facebook got six times more
 5 engagement than factual news during the 2020 elections, to
 identify multiple security and privacy vulnerabilities that we have
 6 reported to Facebook, and to audit Facebook's own, public-facing
 Ad Library for political ads."³²
- 7 • Alan Mislove, a Professor of Computer Sciences at Northeastern
 University, testified: "Facebook recently criticized a study on
 misinformation by saying it focused on who engages with content
 8 and not who sees it—but that's only true because Facebook does
 not make such impression data available to researchers."³³
- 9 • Kevin T. Leicht, a Professor of Sociology at University of Illinois
 Urbana-Champaign testified: "there are limited amounts of social
 10 media data available due to company restrictions placed on that
 data. Many researchers fear litigation that may result from
 11 analyzing and publishing results from these data."³⁴

12 57. On October 5, 2021, Haugen testified before Congress:

13 [N]o one truly understands the destructive choices made by
 14 Facebook except Facebook....

15 A company with such frightening influence over so many people,
 16 over their deepest thoughts, feelings, and behavior, needs real
 17 oversight. But Facebook's closed design means it has no real
 18 oversight. Only Facebook knows how it personalizes your Feed for
 you.

19
 20
 21 ³² *Hearing on The Disinformation Black Box: Researching Social Media Data before the*
 Subcomm. on Oversight, 117th Cong. (2021) (testimony of Laura Edelson, NYU Cybersecurity
 22 for Democracy), <https://www.congress.gov/117/meeting/house/114064/witnesses/HHRG-117-SY21-Wstate-EdelsonL-20210928.pdf>.

23 ³³ *Hearing on The Disinformation Black Box: Researching Social Media Data before the*
 Subcomm. on Oversight, 117th Cong. (2021) (testimony of Alan Mislove, Professor of Computer
 24 Sciences at Northeastern University),
<https://www.congress.gov/117/meeting/house/114064/witnesses/HHRG-117-SY21-Wstate-MisloveA-20210928.pdf>.

25
 26 ³⁴ *Hearing on The Disinformation Black Box: Researching Social Media Data before the*
 Subcomm. on Oversight, 117th Cong. (2021) (testimony of Kevin T. Leicht, a Professor of
 27 Sociology at University of Illinois Urbana-Champaign),
<https://www.congress.gov/117/meeting/house/114064/witnesses/HHRG-117-SY21-Wstate-LeichtK-20210928.pdf>.

1 At other large tech companies like Google, any independent
 2 researcher can download from the Internet the company's search
 3 results and write papers about what they find. And they do. But
 Facebook hides behind walls that keeps researchers and regulators
 from understanding the true dynamics of their system....³⁵

4 58. Nevertheless, it is now clear that, by modifying the design of its algorithms and
 5 system, Facebook can influence and manipulate the quantity, substance, and emotional tone of
 6 the content its users produce. Through its dopamine-based incentive structure of social rewards
 7 and cues, as well as its algorithmic promotion of hate speech and misinformation, Facebook
 8 contributes to and participates in the development and creation of outraged, extreme, and
 9 divisive content.

10 59. It's obviously not in Facebook's favor—especially its bottom line—to curb the
 11 spread of negative content and adjust its algorithm to promote positive content. One designer and
 12 technologist proposed four different interventions to address the “problems of *polarization,*
 13 *dehumanization, and outrage*, three of the most dangerous byproducts” of tools such as
 14 Facebook. The four interventions described in the article include “Give Humanizing Prompts,”
 15 “Picking out unhealthy content with better metrics,” “Filter unhealthy content by default,” and
 16 “Give users feed control.” Facebook had not implemented any such interventions, undoubtedly
 17 because, as the author admitted, the interventions “will all likely result in short-term **reductions**
 18 **in engagement and ad revenue.**”³⁶

19 60. Facebook has options for moderating its algorithms’ tendency to promote hate
 20 speech and misinformation, but it rejects those options because the production of more engaging
 21 content takes precedence. In a September 2021 article, based on recently leaked internal
 22 documents, the Wall Street Journal described how Facebook had modified its News Feed

23
 24 ³⁵ *Facebook Whistleblower Frances Haugen Testifies on Children & Social Media Use:*
 25 *Full Senate Hearing Transcript*, REV (Oct. 5, 2021),
<https://www.rev.com/blog/transcripts/facebook-whistleblower-frances-haugen-testifies-on-children-social-media-use-full-senate-hearing-transcript>.

26
 27 ³⁶ Tobias Rose-Stockwell, *Facebook’s problems can be solved with design*, QUARTZ (Apr.
 30, 2018) (emphases in original), <https://qz.com/1264547/facebook-problems-can-be-solved-with-design/>.

1 algorithm “to reverse [a] decline in comments, and other forms of engagement, and to encourage
 2 more original posting” by users.³⁷

3 61. Simply put, it is clear—based largely on admissions from former Facebook
 4 executives—that Facebook’s algorithms are not “neutral.” The algorithms do not merely
 5 recommend content based on users’ previously expressed interests; rather, to maximize
 6 engagement, they are heavily biased toward promoting content that will enrage, polarize, and
 7 radicalize users. Facebook does not simply “connect” people with similar interests; it exploits the
 8 universal human instinct for tribalism by actively herding people into groups that define
 9 themselves through their violent opposition to “other” people—often identified by race, religion,
 10 or political ideology.

11 C. Facebook Curates and Promotes Extremist Group Content

12 62. Facebook’s algorithms curate and promote content that attracts new members to
 13 extremist groups. A presentation by a researcher employed at Facebook, which was leaked in
 14 2020, showed that Facebook’s algorithms were responsible for the growth of German extremist
 15 groups on the website: “The 2016 presentation states that ‘64% of all extremist group joins are
 16 due to our recommendation tools’ and that most of the activity came from the platform’s ‘Groups
 17 You Should Join’ and ‘Discover’ algorithms. ‘Our recommendation systems grow the problem.’”
 18 Ultimately, however, because “combating polarization might come at the cost of lower
 19 engagement … Mr. Zuckerberg and other senior executives largely shelved the basic research …
 20 and weakened or blocked efforts to apply its conclusions to Facebook products.”³⁸

21 63. Roger McNamee gave this example:

22 [I]f I am active in a Facebook Group associated with a conspiracy
 23 theory and then stop using the platform for a time, Facebook will
 do something surprising when I return. It may suggest other

24

³⁷ Keach Hagey, Jeff Horwitz, *Facebook Tried to Make Its Platform a Healthier Place. It Got Angrier Instead*, THE WALL STREET JOURNAL (Sept. 15, 2021),
 25 <https://www.wsj.com/articles/facebook-algorithm-change-zuckerberg-11631654215>.

26

³⁸ Jeff Horwitz, Deepa Seetharaman, *Facebook Executives Shut Down Efforts to Make the Site Less Divisive*, WALL STREET JOURNAL (May 26, 2020),
 27 <https://www.wsj.com/articles/facebook-knobs-it-encourages-division-top-executives-nixed-solutions-11590507499>.

1 conspiracy theory Groups to join.... And because conspiracy
 2 theory Groups are highly engaging, they are very likely to
 3 encourage reengagement with the platform. If you join the Group,
 4 the choice appears to be yours, but the reality is that Facebook
 5 planted the seed. It does so not because conspiracy theories are
 6 good for you but because conspiracy theories are good for them.³⁹

7 McNamee described how, in 2016, he had raised his concerns with Mark Zuckerberg and Sheryl
 8 Sandberg, to no avail.⁴⁰

9 64. In the August 2021 study discussed above, the authors stated: “[U]sers conform to
 10 the expressive norms of their social network, expressing more outrage when they are embedded
 11 in ideologically extreme networks where outrage expressions are more widespread.... Such norm
 12 learning processes, combined with social reinforcement learning, might encourage more
 13 moderate users to become less moderate over time, as they are repeatedly reinforced by their
 14 peers for expressing outrage.”⁴¹

15 65. Indeed, the positive feedback loop created by Facebook in the form of “likes,”
 16 “comments,” and “shares” drive user engagement with extremist content and reward user
 17 participation in creating such content. Together with algorithms promoting hate speech,
 18 misinformation, and conspiracy theories, Facebook has steered users to extremist groups and
 19 trained those users to express more outrage.

20 D. Exploitation by Autocrats

21 66. Facebook’s system and algorithms are also susceptible to exploitation by
 22 unscrupulous and autocratic politicians and regimes. In his book, McNamee wrote:

23 Facebook’s culture, design goals, and business priorities made the
 24 platform an easy target for bad actors, which Facebook aggravated
 25 with algorithms and moderation policies that amplified extreme
 26 voices. The architecture and business model that make Facebook
 27 successful also make it dangerous. Economics drive the company

28 ³⁹ Roger McNamee, *Zucked: Waking Up to the Facebook Catastrophe*, at 94-95 (Penguin
 29 2020 ed.).

⁴⁰ *Id.* at 4-7.

⁴¹ William J. Brady, Killian McLoughlin, Tuan N. Doan, Molly J. Crockett, *How social
 27 learning amplifies moral outrage expression in online social networks*, 7 SCIENCE ADVANCES,
 28 no. 33 (Aug. 13, 2021), <https://www.science.org/doi/10.1126/sciadv.abe5641>.

1 to align—often unconsciously—with extremists and authoritarians
 2 to the detriment of democracy around the world.⁴²

3 67. Facebook had the ability to detect and deactivate counterfeit accounts used by
 4 authoritarian politicians and regimes to generate “fake engagement” but devoted minimal
 5 resources to that task. In April 2021, Sophie Zhang, a data scientist whom Facebook had fired a
 6 year earlier, spoke out about having “found multiple blatant attempts by foreign national
 7 governments to abuse our platform on vast scales to mislead their own citizenry....” For
 8 example, “[o]ver one six-week period from June to July 2018, [the president of Honduras]’s
 9 Facebook posts received likes from 59,100 users, more than 78% of which were not real people.”
 10 Such “fake engagement can influence how that content performs in the all-important news feed
 11 algorithm; it is a kind of counterfeit currency in Facebook’s attention marketplace.”⁴³

12 68. It took Facebook almost a year to remove fake accounts associated with
 13 “domestic-focused coordinated inauthentic activity in Honduras” and, when Zhang “found that
 14 the Honduras network was reconstituting … there was little appetite from [Facebook] to take it
 15 down again.” Before she was fired, Zhang alerted Facebook to networks of fake Pages
 16 supporting political leaders in Albania, Azerbaijan, Mexico, Argentina, Italy, the Philippines,
 17 Afghanistan, South Korea, Bolivia, Ecuador, Iraq, Tunisia, Turkey, Taiwan, Paraguay, El
 18 Salvador, India, the Dominican Republic, Indonesia, Ukraine, Poland, and Mongolia. Some of
 19 these networks were investigated while others “languish[ed] for months without action.”⁴⁴

20 69. Zhang gave one example that was especially reminiscent of the situation in
 21 Burma:

22 Of all the cases of inauthentic behavior that Zhang uncovered, the
 23 one that most concerned her—and that took the longest to take
 24 down—was in Azerbaijan. It was one of the largest she had seen,

25 42 Roger McNamee, *Zucked: Waking Up to the Facebook Catastrophe*, at 232-33 (Penguin
 26 2020 ed.).

27 43 Julia Carrie Wong, *How Facebook let fake engagement distort global politics: a
 28 whistleblower’s account*, THE GUARDIAN (Apr. 12, 2021),
<https://theguardian.com/technology/2021/apr/12/facebook-fake-engagement-whistleblower-sophie-zhang>.

44 *Id.*

1 and it was clearly being used to prop up an authoritarian regime
 2 with an egregious record on human rights.

3 The Azerbaijani network used the same tactic that was seen in
 4 Honduras—thousands of Facebook Pages set up to look like user
 5 accounts—but instead of creating fake likes, the Pages were used
 6 to harass. Over one 90-day period in 2019, it produced
 7 approximately 2.1m negative, harassing comments on the
 8 Facebook Pages of opposition leaders and independent media
 9 outlets, accusing them of being traitors and praising the country’s
 10 autocratic leader, President Ilham Aliyev, and his ruling party, the
 11 YAP.

12 Facebook did not employ a dedicated policy staffer or market
 13 specialist for Azerbaijan, and neither its eastern European nor
 14 Middle Eastern policy teams took responsibility for it. Eventually
 15 Zhang discovered that the Turkey policy team was supposed to
 16 cover the former Soviet republic, but none of them spoke Azeri or
 17 had expertise in the country. As of August 2020, Facebook did not
 18 have any full-time or contract operations employees who were
 19 known to speak Azeri, leaving staff to use Google Translate to try
 20 to understand the nature of the abuse.

21 Facebook did not take down those fake accounts or Pages until more than a year after Zhang
 22 reported them.⁴⁵

23 **E. Facebook’s Algorithm Has Successfully Radicalized Its Users**

24 70. By prioritizing hate speech and misinformation in users’ News Feeds, training
 25 users to produce ever more extreme and outraged content, recommending extremist groups, and
 26 allowing its product to be exploited by autocrats, Facebook radicalizes users and incites them to
 27 violence.

28 71. As Chamath Palihapitiya, Facebook’s former vice president for user growth, told
 29 an audience at Stanford Business School: “I think we have created tools that are ripping apart the
 30 social fabric of how society works ... [t]he short-term, dopamine-driven feedback loops we’ve
 31 created are destroying how society works ... No civil discourse, no cooperation[,]
 32 misinformation, mistruth. And it’s not an American problem...”⁴⁶

45 *Id.*

46 James Vincent, *Former Facebook exec says social media is ripping apart society*, THE VERGE (Dec. 11, 2017), <https://www.theverge.com/2017/12/11/16761016/former-facebook-exec-ripping-apart-society>.

1 72. McNamee likewise explained how the design of Facebook's algorithms and
 2 system lead to real-world violence: "The design of Facebook trained users to unlock their
 3 emotions, to react without critical thought.... at Facebook's scale it enables emotional contagion,
 4 where emotions overwhelm reason.... Left unchecked, hate speech leads to violence,
 5 disinformation undermines democracy."⁴⁷

6 73. As Dipayan Ghosh, a former Facebook privacy expert, noted, "[w]e have set
 7 ethical red lines in society, but when you have a machine that prioritizes engagement, it will
 8 always be incentivized to cross those lines."⁴⁸

9 74. Facebook's tendency to cause real-world violence by radicalizing users online has
 10 been demonstrated time and time again. A few recent examples include:

- 11 • In March 2019, a gunman killed 51 people at two mosques in
 Christchurch, New Zealand, while live-streaming the event on
 Facebook.⁴⁹ For two years prior to the shooting, the gunman had
 been active on the Facebook group of the Lads Society, an
 Australian extremist white nationalist group.⁵⁰
- 14 • In August 2020, "[h]ours before a 17-year-old white man allegedly
 killed two people and injured a third at protests over a police
 shooting in Kenosha, Wisconsin, a local militia group posted a call
 on Facebook: 'Any patriots willing to take up arms and defend our
 city tonight from evil thugs?'"⁵¹ Later, Mark Zuckerberg said that
 "the social media giant made a mistake by not removing a page

19 ⁴⁷ Roger McNamee, *Zucked: Waking Up to the Facebook Catastrophe*, at 98, 233 (Penguin
 20 2020 ed.).

20 ⁴⁸ Sheera Frenkel and Cecilia Kang, *An Ugly Truth: Inside Facebook's Battle for
 21 Domination*, at 185 (HarperCollins 2021).

22 ⁴⁹ Charlotte Graham-McLay, Austin Ramzy, and Daniel Victor, *Christchurch Mosque
 23 Shootings Were Partly Streamed on Facebook*, NEW YORK TIMES (Mar. 14, 2019),
 https://www.nytimes.com/2019/03/14/world/asia/christchurch-shooting-new-zealand.html.

24 ⁵⁰ *Royal Commission of Inquiry into the Terrorist Attack on Christchurch Mosques on 15
 25 March 2019* § 4.6, https://christchurchattack.royalcommission.nz/the-report/firearms-
 licensing/general-life-in-new-zealand/; Michael McGowan, *Australian white nationalists reveal
 26 plans to recruit 'disgruntled, white male population'*, THE GUARDIAN (Nov. 11, 2019),
 https://www.theguardian.com/australia-news/2019/nov/12/australian-white-nationalists-reveal-
 plans-to-recruit-disgruntled-white-male-population.

27 ⁵¹ Adam Mahoney, Lois Beckett, Julia Carrie Wong, Victoria Bekiempis, *Armed white men
 28 patrolling Kenosha protests organized on Facebook*, THE GUARDIAN (Aug. 26, 2020),
 https://www.theguardian.com/us-news/2020/aug/26/kenosha-militia-protest-shooting-facebook.

1 and event that urged people in Kenosha ... to carry weapons amid
 2 protests.”⁵²

3

- 4 • “In the days leading up to [the January 6, 2021] march on the
 5 Capitol, supporters of President Trump promoted it extensively on
 Facebook and Facebook-owned Instagram and used the services to
 organize bus trips to Washington. More than 100,000 users posted
 hashtags affiliated with the movement prompted by baseless claims
 of election fraud, including #StopTheSteal and
 #FightForTrump.”⁵³

6 75. Prior to Facebook’s entry into Burma, as described below, Facebook was on
 7 notice of the manner in which its service could influence political conflict and be used to fuel
 8 real-world violence. For example, during a 2010 conflict in Kyrgyzstan, highly divisive and at
 9 times violent content spread widely on Facebook, inclusive of substantial misinformation related
 10 to the source and cause for ongoing violence.⁵⁴ Likewise, even in examples where Facebook has
 11 been credited with supporting protests for positive political change before 2012, the consistent
 12 result is that the same governments and militant groups that were opposed by the protests,
 13 eventually utilized Facebook to help put down those uprisings through widespread
 14 misinformation campaigns.⁵⁵

15 76. Facebook was on notice very early on in its existence that “that liberty isn’t the
 16 only end toward which these tools can be turned.”⁵⁶ And it is with that knowledge in hand that it
 17 launched in the extremely volatile environment present in Burma.

18
 19
 20 ⁵² Madeleine Carlisle, *Mark Zuckerberg Says Facebook’s Decision to Not Take Down*
Kenosha Militia Page Was a Mistake, TIME (Aug. 29, 2020), <https://time.com/5884804/mark-zuckerberg-facebook-kenosha-shooting-jacob-blake/>.

21
 22 ⁵³ Elizabeth Dwoskin, *Facebook’s Sandberg deflected blame for Capitol riot, but new*
evidence shows how platform played role, WASHINGTON POST (Jan. 13, 2021),
<https://www.washingtonpost.com/technology/2021/01/13/facebook-role-in-capitol-protest/>.

23
 24 ⁵⁴ Neil Melvin and Tolkun Umaraliev, *New Social Media and Conflict in Kyrgyzstan*, SIPRI
 (Aug. 2011), <https://www.sipri.org/sites/default/files/files/insight/SIPRIInsight1101.pdf>.

25
 26 ⁵⁵ Nariman El-Mofty, *Social Media Made the Arab Spring, But Couldn’t Save It*, WIRED
 (Jan. 26, 2016), <https://www.wired.com/2016/01/social-media-made-the-arab-spring-but-couldnt-save-it/> (“These governments have also become adept at using those same channels to spread
 misinformation. ‘You can now create a narrative saying a democracy activist was a traitor and a
 pedophile,’ ... ‘The possibility of creating an alternative narrative is one people didn’t consider,
 and it turns out people in authoritarian regimes are quite good at it.’”)

27
 28 ⁵⁶ *Id.*

1 II. The Introduction of Facebook Led to a Crisis of Digital Literacy in Burma

2 77. In addition to high engagement, continued user growth was critical to Facebook's
 3 success. "If we fail to retain existing users or add new users, ... our revenue, financial results,
 4 and business may be significantly harmed."⁵⁷ By 2012, Facebook reported 1.06 billion monthly
 5 active users ("MAUs") with 84% of those accessing Facebook from outside the United States,
 6 meaning that there were already about 170 million MAUs in the United States—equal to more
 7 than half the U.S. population.⁵⁸ To ensure continued growth, Facebook would have to gain users
 8 in developing countries, many of whom had no previous access to the Internet.

9 78. Prior to 2011, in an atmosphere of extreme censorship, only about 1% of the
 10 Burmese population had cell phones. That percentage grew dramatically with the liberalization
 11 that began in 2011.⁵⁹ In 2013, when two foreign telecom companies were permitted to enter the
 12 market, the cost of a SIM card fell from more than \$200 to as little as \$2, and by 2016, nearly
 13 half the population had mobile phone subscriptions, most with Internet access.⁶⁰

14 79. Facebook took active steps to ensure that it would have a dominant position in the
 15 emerging Burmese market. "Entering the country in 2010, Facebook initially allowed its app to
 16 be used without incurring data charges, so it gained rapid popularity. It would come pre-loaded
 17 on phones bought at mobile shops...."⁶¹

18 80. Facebook would eventually pursue a similar strategy for penetrating other
 19 developing markets, as reflected in its "Free Basics" product. Free Basics was "a Facebook-

21 ⁵⁷ Facebook 2012 10-K, at 13,
 22 <https://www.sec.gov/Archives/edgar/data/1326801/000132680113000003/fb-12312012x10k.htm#s5D6A63A4BB6B6A7AD01CD7A5A25638E4>.

23 ⁵⁸ *Id.* at 8.

24 ⁵⁹ *Report of the detailed findings of the Independent International Fact-Finding Mission on*
 25 *Myanmar*, UNITED NATIONS HUMAN RIGHTS COUNCIL (Sept. 17, 2018),
https://digitallibrary.un.org/record/1643079/files/A_HRC_39_CRP-2-EN.pdf ("UNHRC Report") ¶ 1343.

26 ⁶⁰ Steve Stecklow, *Why Facebook is losing the war on hate speech in Myanmar*, REUTERS (Aug. 15, 2018), <https://www.reuters.com/investigates/special-report/myanmar-facebook-hate/>.

27 ⁶¹ Saira Asher, *Myanmar coup: How Facebook became the 'digital tea shop'*, BBC NEWS (Feb. 4, 2021), <https://www.bbc.com/news/world-asia-55929654>.

1 developed mobile app that gives users access to a small selection of data-light websites and
 2 services ... [t]o deliver the service, ... Facebook partners with local mobile operators ... [who]
 3 agree to ‘zero-rate’ the data consumed by the app, making it free, while Facebook does the
 4 technical heavy lifting to ensure that they can do this as cheaply as possible. Each version is
 5 localized, offering a slightly different set of up to 150 sites and services.... There are no other
 6 social networking sites apart from Facebook and no email provider.”⁶²

7 81. One reason why Facebook gained immense traction in Burma is that “[t]he
 8 website ... handles Myanmar fonts well compared to other social media like Twitter.”⁶³ After
 9 citizens bought an inexpensive phone and a cheap SIM card, “there was one app that everybody
 10 in [Burma] wanted: Facebook. The reason? Google and some of the other big online portals
 11 didn’t support Burmese text, but Facebook did.”⁶⁴

12 82. For the majority of Burma’s 20 million Internet-connected citizen’s, “Facebook is
 13 the internet.... [M]ost mobile phones sold in the country come preloaded with Facebook....
 14 There are equal numbers of internet users and Facebook users in [Burma]. As a result, many
 15 people use Facebook as their main source of information....”⁶⁵

16 83. A report commissioned by Facebook in 2018 described how the rapid transition of
 17 Burma from a society without modern communications infrastructure to an Internet-connected
 18 society caused “a crisis of digital literacy: A large population of internet users lacks basic
 19 understanding of how to ... make judgments on online content.... Digital literacy is generally
 20 low across the country, and many people find it difficult to verify or differentiate content (for
 21

22 ⁶² Olivia Solon, *‘It’s digital colonialism’: how Facebook’s free internet service has failed*
 23 *its users*, THE GUARDIAN (July 27, 2017),
<https://www.theguardian.com/technology/2017/jul/27/facebook-free-basics-developing-markets>.

24 ⁶³ Hereward Holland, *Facebook in Myanmar: Amplifying Hate Speech?*, AL JAZEERA
 25 (Jun. 14, 2014), <https://www.aljazeera.com/features/2014/6/14/facebook-in-myanmar-amplifying-hate-speech>.

26 ⁶⁴ Anisa Sudebar, *The country where Facebook posts whipped up hate*, BBC TRENDING
 27 (Sept. 12, 2018), <https://www.bbc.com/news/blogs-trending-45449938>.

28 ⁶⁵ *Human Rights Impact Assessment: Facebook in Myanmar*, BSR (Oct. 2018) (“BSR
 Report”) at 12-13, https://about.fb.com/wp-content/uploads/2018/11/bsr-facebook-myanmar-hria_final.pdf.

1 example, real news from misinformation).⁶⁶ As noted by Sarah Su, a Facebook employee who
 2 works on content safety issues on the News Feed, “[w]hat you’ve seen in the past five years is
 3 almost an entire country getting online at the same time, we realized that digital literacy is quite
 4 low. They don’t have the antibodies to [fight] viral misinformation.”⁶⁷

5 84. The U.N. Independent International Fact-Finding Mission on Myanmar (the
 6 “U.N. Mission”) investigating the genocide in Burma reported: “[t]he Myanmar context is
 7 distinctive ... because of the relatively new exposure of the Myanmar population to the Internet
 8 and social media.... In a context of low digital and social media literacy, the Government’s use
 9 of Facebook for official announcements and sharing of information further contributes to users’
 10 perception of Facebook as a reliable source of information.”⁶⁸

11 85. Thet Swei Win, the director of an organization that works to promote social
 12 harmony between ethnic groups in Burma, told the BBC “[w]e have no internet literacy...[w]e
 13 have no proper education on how to use the internet, how to filter the news, how to use the
 14 internet effectively.”⁶⁹

15 86. As described by the U.N., “[t]he relative unfamiliarity of the population with the
 16 Internet and with digital platforms and the easier and cheaper access to Facebook have led to a
 17 situation in [Burma] where Facebook is the Internet.... For many people, Facebook is the main,
 18 if not only, platform for online news and for using the Internet more broadly.”⁷⁰ “Facebook is
 19 arguably the only source of information online for the majority in [Burma]”⁷¹ and “Facebook is a

20
 21 ⁶⁶ *Id.*

22 ⁶⁷ Steven Levy, *Facebook: the Inside Story* (Blue Rider Press 2020).

23 ⁶⁸ UNHRC Report, ¶¶ 1342, 1345,
https://digitallibrary.un.org/record/1643079/files/A_HRC_39_CRP-2-EN.pdf.

24 ⁶⁹ Anisa Sudebar, *The country where Facebook posts whipped up hate*, BBC TRENDING
 (Sept. 12, 2018), <https://www.bbc.com/news/blogs-trending-45449938>.

25 ⁷⁰ UNHRC Report, ¶ 1345,
https://digitallibrary.un.org/record/1643079/files/A_HRC_39_CRP-2-EN.pdf.

26 ⁷¹ Libby Hogan, Michael Safi, *Revealed: Facebook hate speech exploded in Myanmar
 during Rohingya crisis*, THE GUARDIAN (Apr. 2, 2018),
<https://www.theguardian.com/world/2018/apr/03/revealed-facebook-hate-speech-explored-in-myanmar-during-rohingya-crisis>.

1 particularly influential medium in Myanmar. More than 14 million people out [of] a total
 2 population of 53 million utilize Facebook in Myanmar, and according to a 2016 survey of
 3 internet users in Myanmar, ‘reading news on the internet’ often meant ‘news they had seen on
 4 their Facebook newsfeed, and [they] did not seem aware of other news sources online.’⁷²

5 87. The New York Times has reported that “[t]he military exploited Facebook’s wide
 6 reach in Myanmar, where it is so broadly used that many of the country’s 18 million internet
 7 users confuse the Silicon Valley social media platform with the internet,”⁷³ and that “[a]s
 8 Facebook’s presence in Myanmar grew ..., the company did not address what the BSR report
 9 calls ‘a crisis of digital literacy’ in a country that was just emerging from a military dictatorship
 10 and where the internet was still new.”⁷⁴

11 88. In the end, the U.N. put it best: “Facebook has been a useful instrument for those
 12 seeking to spread hate, in a context where, for most users, Facebook is the Internet.”⁷⁵

13 **III. Facebook Amplified the Myanmar Military’s Use of Fear and Hatred of the**
 14 **Rohingya to Justify its Hold on Power**

15 89. By 2011, the country’s history of political repression and ethnic violence was
 16 widely known. “Myanmar’s political history has been heavily dominated by an all-powerful
 17 military, known as the Myanmar ‘Tatmadaw,’ which has ruled the country for most of its
 18

19 ⁷² Fortify Rights, *They Gave Them Long Swords: Preparations for Genocide and Crimes*
 20 *Against Humanity Against Rohingya Muslims in Rakhine State, Myanmar* at 95, n.403 (July
 21 2018), https://www.fortifyrights.org/downloads/Fortify_Rights_Long_Swords_July_2018.pdf
 22 (“Fortify Rights Report”) (citing GSMA, *Mobile Phones, Internet, and Gender in Myanmar* at 55
 23 (Feb. 2016), <https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2016/02/Mobile-phones-internet-and-gender-in-Myanmar.pdf>.)

24 ⁷³ Paul Mozur, *A Genocide Incited on Facebook, With Posts From Myanmar’s Military*,
 25 NEW YORK TIMES (Oct. 15, 2018), <https://www.nytimes.com/2018/10/15/technology/myanmar-facebook-genocide.html>.

26 ⁷⁴ Alexandra Stevenson, *Facebook Admits It Was Used to Incite Violence in Myanmar*,
 27 NEW YORK TIMES (Nov. 6, 2018), <https://www.nytimes.com/2018/11/06/technology/myanmar-facebook.html>.

28 ⁷⁵ *Report of the detailed findings of the Independent International Fact-Finding Mission on*
 29 *Myanmar*, UNITED NATIONS HUMAN RIGHTS COUNCIL (Sept. 17, 2018), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/274/54/PDF/G1827454.pdf?OpenElement> (“UNHRC
 30 Report”) ¶ 74.

1 existence.”⁷⁶ In 1962, the military took power in a coup led by General Ne Win.⁷⁷ In 1989, after
 2 widespread protests against the regime had broken out the year before, the military placed Aung
 3 San Suu Kyi, leader of the National League for Democracy opposition party (NLD) and winner
 4 of the Nobel peace prize, under house arrest; after the NLD won a general election in 1990, the
 5 military government refused to recognize the result or to allow the legislature to assemble.⁷⁸
 6 “During the military dictatorship [from 1962 to 2011], Myanmar was considered one of the most
 7 repressive countries in Asia.”⁷⁹

8 90. Despite a brief period of liberalization that began in 2011, the military continued
 9 to dominate Burma’s government. The 2008 Constitution was designed by “the military to retain
 10 its dominant role in politics and government … 25 percent of the seats in each house of
 11 parliament and in the state and regional assemblies belong to unelected members of the military,
 12 who are appointed by the Tatmadaw.”⁸⁰ In addition to being guaranteed at least one vice
 13 presidential position, “the Tatmadaw selects candidates for (and effectively controls) three key
 14 ministerial posts: Defence, Border Affairs and Home Affairs. This is sufficient to control the
 15 National Defence and Security Council and the entire security apparatus.”⁸¹

16 91. The military has consistently used an imagined threat from the Rohingya to justify
 17 its hold on power. “[T]he ‘Rohingya crisis’ in Rakhine State … has been used by the military to
 18 reaffirm itself as the protector of a nation under threat....”⁸² In support of the 1962 coup,
 19 “General Ne Win argued that a military take-over was necessary to protect the territorial integrity
 20 of the country” due to “insurgencies from ‘ethnic armed organizations.’”⁸³ The Tatmadaw has

21 ⁷⁶ UNHRC Report, ¶ 71,
 22 https://digitallibrary.un.org/record/1643079/files/A_HRC_39_CRP-2-EN.pdf. Myanmar gained
 its independence from Great Britain in 1948.

23 ⁷⁷ *Id.*

24 ⁷⁸ *Id.* ¶ 74.

25 ⁷⁹ *Id.* ¶ 94.

26 ⁸⁰ *Id.* ¶ 81.

27 ⁸¹ *Id.*

28 ⁸² *Id.* ¶ 93.

29 ⁸³ *Id.* ¶ 71.

1 used the alleged “ethnic threat to national sovereignty and territorial integrity as the excuse for
 2 its control of the country....”⁸⁴ The main concern to those in power was to “maintain power and
 3 to attain and preserve ‘national unity in the face of ethnic diversity.’ Human rights were
 4 ‘subordinate to these imperatives.’ ... Reports of serious human rights violations were
 5 pervasive....”⁸⁵

6 92. The government found that it could increase its own popularity by, first, instilling
 7 fear and hatred of the Rohingya among the Buddhist majority in Burma and then publicly
 8 oppressing, marginalizing, and persecuting the Rohingya. The U.N. found that “the Rohingya
 9 have gradually been denied birth registration, citizenship and membership of the political
 10 community. This lack of legal status and identity is the cornerstone of the oppressive system
 11 targeting the Rohingya.... It is State-sanctioned and in violation of Myanmar’s obligations under
 12 international law because it discriminates on the basis of race, ethnicity and religion.”⁸⁶ The four
 13 Special Rapporteurs on the human rights situation in Burma appointed by the United Nations
 14 from 1992 to 2011⁸⁷ concluded, *inter alia*:

15 [S]ince late 1989, the Rohingya citizens of Myanmar ... have been
 16 subjected to persecution based on their religious beliefs involving
 17 extrajudicial executions, torture, arbitrary detention, forced
 18 disappearances, intimidation, gang-rape, forced labour, robbery,
 19 setting of fire to homes, eviction, land confiscation and population
 20 resettlement as well as the systematic destruction of towns and
 21 mosques.⁸⁸

22 [S]ome of these human rights violations may entail categories of
 23 crimes against humanity or war crimes.⁸⁹

24 Yet, “the Tatmadaw enjoys considerable popularity among the Bamar-Buddhist majority.”⁹⁰

25 ⁸⁴ *Id.*

26 ⁸⁵ *Id.* ¶ 94.

27 ⁸⁶ *Id.* ¶ 491.

28 ⁸⁷ *Id.* ¶ 96-97.

29 ⁸⁸ *Id.* ¶ 100.

30 ⁸⁹ *Id.* ¶ 97.

31 ⁹⁰ *Id.* ¶ 93.

1 93. Facebook, by its very design, turned out to be the perfect tool for the Burmese
 2 military and Buddhist extremists to use in promoting their message of religious intolerance and,
 3 ultimately, ethnic cleansing. The amplification and propagation of hateful, extremist, and
 4 polarizing messages and the radicalization of users are inevitable results of the algorithms that
 5 Facebook intentionally and meticulously built into its system.

6 **A. Facebook Participated in Inciting Violence Against the Rohingya
 7 (2012-2017)**

8 94. On June 8, 2012, there were violent confrontations between Rohingya and ethnic
 9 Rakhine groups; security forces killed a number of the Rohingya and Muslim homes and shops
 10 were set on fire and looted.⁹¹ In the ensuing weeks and months, the Rohingya suffered more
 11 killings at the hands of Tatmadaw soldiers, burnings and lootings, sexual and gender-based
 12 violence, arbitrary arrests, and torture in prison.⁹² The U.N. Mission drew a direct connection
 13 between the Burmese government's use of Facebook and the violence against the Rohingya that
 14 began in June 2012:

15 On 1 June 2012 ... the spokesperson of the President of
 16 Myanmar ... posted a statement on his personal Facebook account.
 17 He warned about the arrival from abroad of "Rohingya
 18 terrorists" ... and stated that the Myanmar troops would
 19 "completely destroy them...." Although this post was later deleted,
 20 the impact of a high official equating the Rohingya population with
 21 terrorism may have been significant ahead of the 2012 violence,
 22 which erupted a week later.⁹³

23 [P]osts early in 2012 about the alleged rape and murder by
 24 Rohingya men of a Buddhist woman were reportedly shared
 25 widely and are considered to have contributed to the tension and
 26 violence in Rakhine State in that year.⁹⁴

27 95. Incitement of violence on Facebook continued beyond 2012: "[A]n online news
 28 report from 30 June 2014 ... alleged that two Muslim teashop owners had raped a Buddhist
 woman.... [A prominent Buddhist monk] reposted the article on his Facebook page.... Violence

⁹¹ *Id.* ¶¶ 630-33.

⁹² *Id.* ¶¶ 635-39, 662-63, 669-78.

⁹³ *Id.* ¶¶ 705-06.

⁹⁴ *Id.* ¶ 1347.

1 erupted the following day [resulting in two deaths]. The rape allegations were false, with the
 2 ‘victim’ reportedly admitting that she had fabricated the rape allegations.”⁹⁵

3 96. The U.N. Report continued, “[t]here is no doubt that hate speech against Muslims
 4 in general, and Rohingya in particular, is extremely widespread in Myanmar.... Given
 5 Facebook’s dominance in Myanmar, the Mission paid specific attention to a number of Facebook
 6 accounts that appear to be particularly influential....”⁹⁶ For example:

- 7 • [T]he late U Ko Ni, a well-known Muslim and legal advisor of the
 8 NLD, was frequently targeted on Facebook.... In one post from
 9 March 2016, a photo of U Ko Ni next to president Htin Kyaw was
 10 captioned ‘this [dog] getting his foot in the door in Myanmar
 11 politics is not something we should sit by and watch....’ The
 12 Mission has seen multiple other posts with a similar message and
 13 threats towards U Ko Ni dating from between March and October
 14 2016. On 29 January 2017, U Ko Ni was assassinated....⁹⁷
- 15 • [I]n January 2017, a self-described pro-Myanmar patriot with more
 16 than 17,000 followers on Facebook posted a graphic video of
 17 police violence against civilians in another country. He captioned
 18 the post as follows: “Watch this video. The kicks and beatings are
 19 very brutal.... [The] disgusting race of [Muslim] terrorists who
 20 sneaked into our country ... need to be beaten like that....” One
 21 comment under the post reads: “It is very satisfying to watch
 22 this.... It’s sad that Myanmar security forces are not as skillful in
 23 their beating.” In July 2018, the post had over 23,000 views, 830
 24 reactions and 517 shares.⁹⁸
- 25 • [O]ne account holder, supposedly a monk, posted a poem with
 26 graphic photos allegedly showing Buddhist Mros killed by the
 27 “Bengali” on 3 August 2017, along with photos of damage to a
 28 pagoda allegedly done by “Bengali”.⁹⁹ (The Myanmar authorities
 29 refer to the Rohingya as “Bengalis” to suggest that, rather than
 30 being native to Myanmar, they are illegal immigrants from
 31 Bangladesh.¹⁰⁰)
- 32 • [O]n 11 February 2018, ... Shwewiki.com, a self-proclaimed
 33 “Media/News Company in Yangon” with over 1.3 million

24 ⁹⁵ *Id.* ¶ 1325.

25 ⁹⁶ *Id.* ¶ 1310.

26 ⁹⁷ *Id.* ¶ 1312.

27 ⁹⁸ *Id.*

28 ⁹⁹ *Id.*

¹⁰⁰ *Id.* ¶ 460.

1 followers on Facebook, posted a link to an article titled “The lies
 2 of the [Rohingya liars] are exposed[.]”¹⁰¹

3 97. In a Pulitzer Prize winning report, Reuters found numerous “posts, comments,
 4 images and videos attacking the Rohingya or other Myanmar Muslims that were on Facebook as
 5 of [August 2018].” For example:

- 6 • In December 2013, one user posted: “We must fight them the way
 Hitler did the Jews, damn kalars [a pejorative for the Rohingya].”
- 7 • In September 2017, another wrote: “These non-human kalar dogs,
 the Bengalis, are killing and destroying our land, our water and our
 ethnic people.... We need to destroy their race.”
- 8 • In April 2018, another user posted, with a picture of a boatload of
 Rohingya refugees, “Pour fuel and set fire so that they can meet
 Allah faster.”¹⁰²

9 11 98. Facebook was used to instigate communal unrest “in early September 2017, ...
 10 12 through the parallel distribution of similar but conflicting chain messages on Facebook
 11 13 Messenger to Muslim and Buddhist communities. Each chain message stated that the other group
 12 14 was preparing for major violence on 11 September and encouraged the recipient to get ready to
 13 15 resist.... [T]he messages ... caused widespread fear and at least three violent incidents.”¹⁰³ One
 14 16 of the most dangerous campaigns came in 2017, when “the military’s intelligence arm spread
 15 17 rumors on Facebook to both Muslim and Buddhist groups that an attack from the other side was
 16 18 imminent....”¹⁰⁴

17 19 99. Steve Stecklow, author of the Reuters report, observed that several of the posts
 18 20 that he and his team catalogued “described Rohingyas as dogs or pigs. ‘This is a way of

21 23 101 Id. ¶ 1312.

22 24 102 Steve Stecklow, *Why Facebook is losing the war on hate speech in Myanmar*, REUTERS
 23 25 (Aug. 15, 2018), <https://www.reuters.com/investigates/special-report/myanmar-facebook-hate/>.

24 26 103 UNHRC Report, ¶ 1348,
 25 27 https://digitallibrary.un.org/record/1643079/files/A_HRC_39_CRP-2-EN.pdf.

26 28 104 Paul Mozur, *A Genocide Incited on Facebook, With Posts From Myanmar’s Military*,
 27 29 NEW YORK TIMES (Oct. 15, 2018), <https://www.nytimes.com/2018/10/15/technology/myanmar-facebook-genocide.html>.

1 dehumanising a group,’ Stecklow says. ‘Then when things like genocide happen, potentially
 2 there may not be a public uproar or outcry as people don’t even view these people as people.’”¹⁰⁵

3 100. According to Voices that Poison, a U.S.-based human rights group, “speech that
 4 describes victims as vermin, pests, insects or animals is a rhetorical hallmark of incitement to
 5 violence, even genocide, because it dehumanises the victim.”¹⁰⁶ Fortify Rights, a human rights
 6 group, similarly noted: “Burmese individuals and groups have disseminated vitriolic Facebook
 7 posts dehumanizing and calling for widespread attacks against the Rohingya. For example, the
 8 widely-followed monk Ashin Wirathu, head of the ultranationalist group formerly known as *Ma*
 9 *Ba Tha*, posted a reference to the Rohingya in 2014, saying ‘You can be full of kindness and
 10 love, but you cannot sleep next to a mad dog. If we are weak, our land will become Muslim.’”¹⁰⁷

11 101. The New York Times reported that the Myanmar military had posted anti-
 12 Rohingya propaganda on Facebook using fake accounts:

13 They posed as fans of pop stars and national heroes as they flooded
 14 Facebook with their hatred. One said Islam was a global threat to
 15 Buddhism. Another shared a false story about the rape of Buddhist
 16 woman by a Muslim man.

17 The Facebook posts were not from everyday internet users.
 18 Instead, they were from Myanmar military personnel who turned
 19 the social network into a tool for ethnic cleansing, according to
 20 former military officials, researchers and civilian officials in the
 21 country.

22 * * *

23 The Myanmar military’s Facebook operation began several years
 24 ago, said people familiar with how it worked. The military threw
 25 major resources at the task, the people said, with as many as 700
 26 people on it.

27 They began by setting up what appears to be news pages and pages
 28 on Facebook that were devoted to Burmese pop stars, models and

24 105 Anisa Sudebar, *The country where Facebook posts whipped up hate*, BBC TRENDING
 25 (Sept. 12, 2018), <https://www.bbc.com/news/blogs-trending-45449938>.

26 106 Hereward Holland, *Facebook in Myanmar: Amplifying Hate Speech?*, AL JAZEERA
 27 (Jun. 14, 2014), <https://www.aljazeera.com/features/2014/6/14/facebook-in-myanmar-amplifying-hate-speech>.

28 107 Fortify Rights Report, at 95,
https://www.fortifyrights.org/downloads/Fortify_Rights_Long_Swords_July_2018.pdf.

1 other celebrities, like a beauty queen with a penchant for parroting
 2 military propaganda....

3 Those then became distribution channels for lurid photos, false
 4 news and inflammatory posts, often aimed at Myanmar's Muslims,
 5 the people said. Troll accounts run by the military helped spread
 6 the content, shout down critics and fuel arguments between
 7 commenters to rile people up. Often, they posted sham photos of
 8 corpses that they said were evidence of Rohingya-perpetrated
 9 massacres, said one of the people.

10 Digital fingerprints showed that one major source of the Facebook
 11 content came from areas outside Naypyidaw, where the military
 12 keeps compounds, some of the people said.¹⁰⁸

13 102. By October 2015, the Allard K. Lowenstein International Human Rights Clinic at
 14 Yale Law School had already concluded that there was "strong evidence that genocide is being
 15 committed against Rohingya."¹⁰⁹ The worst, however, was yet to come.

16 **B. The August 2017 "Clearance Operations" and Their Aftermath: A
 17 "Human Rights Catastrophe"**

18 103. The Myanmar military's campaign of ethnic cleansing culminated in August 2017
 19 with the "Clearance Operations." The U.N. reported that "[d]uring the course of the operation
 20 more than 40 percent of all villages in northern Rakhine State were partially or totally
 21 destroyed.... As a result, over 725,000 Rohingya had fled to Bangladesh by September 2018."¹¹⁰
 22 The August 2017 clearance operations "caused the disintegration of a community and resulted in
 23 a human rights catastrophe, the effects of which will span generations."¹¹¹ Additional "clearance

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 25 ¹⁰⁸ Paul Mozur, *A Genocide Incited on Facebook, With Posts From Myanmar's Military*,
 26 NEW YORK TIMES (Oct. 15, 2018), <https://www.nytimes.com/2018/10/15/technology/myanmar-facebook-genocide.html>.

27 ¹⁰⁹ *Persecution of the Rohingya Muslims: Is Genocide Occurring in Myanmar's Rakhine State*, ALLARD K. LOWENSTEIN INTERNATIONAL HUMAN RIGHTS CLINIC, YALE LAW SCHOOL (Oct. 2015) at 1, <https://law.yale.edu/sites/default/files/documents/pdf/Clinics/fortifyrights.pdf>.

28 ¹¹⁰ UNHRC Report, ¶ 751, https://digitallibrary.un.org/record/1643079/files/A_HRC_39_CRP-2-EN.pdf. The U.N. Mission documented the clearance operations exhaustively: "The Mission obtained a wealth of information on these events, including over 600 interviews with victims and eyewitnesses, satellite imagery, documents, photographs and videos. It examined many incidents in detail. It found consistent patterns of the most serious human rights violations and abuses." *Id.* ¶ 754.

¹¹¹ *Id.* ¶ 749.

1 operations” followed in numerous Rohingya villages across northern Rakhine State, with at least
 2 54 verified locations.¹¹²

3 104. The U.N. Mission described the clearance operations in six Rohingya villages in
 4 detail.¹¹³ The following description of the operation in one of those villages is typical:

- 5 • “[H]undreds of Tatmadaw soldiers … surrounded [the village].
 6 They were accompanied by a smaller number of ethnic Rakhine
 7 from neighbouring villages. The security forces then opened fire,
 shooting at villagers, including those that were fleeing. Soldiers
 also dragged people from houses and shot some of them at point
 blank range. Others were killed by having their throats slit with
 8 large knives.”¹¹⁴
- 9 • “During the course of the operation, structures in [the village] were
 10 burned and destroyed.... Satellite imagery analysis ... shows the
 11 extent of the destruction.... The entire Rohingya village ... was
 destroyed, while the nearby non-Rohingya village ... remains
 intact.”¹¹⁵
- 12 • “Women and girls were also subjected to rape, gang rape, sexual
 13 mutilation and sexual humiliation during the ‘clearance
 operations.’”¹¹⁶
- 14 • These “‘clearance operations’ were led by the Tatmadaw....
 15 Individuals from the neighbouring ethnic Rakhine village were
 16 recognised as participants and some ethnic Rakhine men assisted
 the military....”¹¹⁷

17 105. The UNHRC Report and the Fortify Rights Report contain numerous first-person
 18 accounts of atrocities committed against the Rohingya by both Myanmar security forces and by
 19 civilians during the August 2017 “Clearance Operations.” For example:

- 20 • “The soldiers killed the male members of my family. They shot at
 21 them first and then slit their throats. The courtyard was full of
 blood. They killed my husband, my father-in-law and my two

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 23
 24 ¹¹² *Id.* ¶ 880.

25 ¹¹³ *Id.* ¶¶ 755-879.

26 ¹¹⁴ *Id.* ¶¶ 782-83.

27 ¹¹⁵ *Id.* ¶¶ 784, 788.

¹¹⁶ *Id.* ¶ 790.

¹¹⁷ *Id.* ¶ 797.

1 nephews of 15 and eight years old. They even killed the child in
 2 the same way.”¹¹⁸

- 3 • “I found my six-month old son’s body lying next to my wife’s
 4 body. She had been shot. My baby son was stabbed in his stomach
 5 and his intestine and liver were coming out. When I took his small
 6 body into my lap, I was showered with his blood.”¹¹⁹
- 7 • “My husband was shot and then he had his throat cut. I was raped.
 8 It is so difficult to say what happened. They tore off my clothes,
 9 then six soldiers raped me, and after that two ethnic Rakhine men,
 10 whom I recognised, raped me. They pressed my breasts and face
 11 continuously. My face almost turned blue. I knew the ethnic
 12 Rakhine who lived nearby.”¹²⁰
- 13 • “I hid in the toilet outhouse, some distance from our house. I saw
 14 that our house was surrounded by 10 soldiers and some police. I
 15 was able to see what happened. First they tied up my parents. Then
 16 they shot my father and raped my mother; later they killed her too.
 17 After this, they burned our house.”¹²¹
- 18 • “One mother described how she had to choose which of her
 19 children to save. The security forces had entered her house and
 20 grabbed her young daughter. Her son tried to save his sister and was
 21 attacked by the security forces. The mother watched from the other
 22 end of the house and made the split second decision that these two
 23 children would not live, but that she could perhaps still save her two
 24 younger children. Her husband returned the next morning to the
 25 village and dug through the pits of bodies until he found the corpse
 26 of their son. They never found the body of their daughter. The
 27 mother told the Mission with haunted eyes: ‘How can I continue
 28 with my life having made this choice?’”¹²²
- “I saw my own children killed. Those who are left of my family
 came with me here. My three children and my mother were killed.
 They made them lie down on the ground and they cut the backs of
 their necks.”¹²³
- “Some small children were thrown into the river.... They hacked
 small children who were half alive. They were breast-feeding age
 children, two years, three years, five years....”¹²⁴

22 118 *Id.* ¶ 809.

23 119 *Id.* ¶ 837.

24 120 *Id.* ¶ 854.

25 121 *Id.* ¶ 862.

26 122 *Id.* ¶ 825.

27 123 Fortify Rights Report, at 60,

https://www.fortifirights.org/downloads/Fortify_Rights_Long_Swords_July_2018.pdf.

28 124 *Id.* at 61.

- 1 • “The military took and arrested around 50 people. They brought
2 them to the military camp ... and set fire to where they kept them.
3 One was my own brother. There was a small hut, and they put all
4 the people in there and set it on fire.”¹²⁵
- 5 • “As soon as we got on the boat, they shot at us.... Foyezur
6 Rahman was my father. My daughter was Sofia. She was 18. They
7 were both shot in the back. As soon as the military shot them, they
8 stopped moving. We brought their dead bodies here [to
9 Bangladesh] and buried them.”¹²⁶
- 10 • “I saw her taken from the house and raped by military soldiers. It
11 happened outside, beside a house. We watched from inside the
12 house. After they raped her, they killed her.... [O]ne person [raped
13 her], then she was taken to the road, and he cut her neck and cut
14 her breasts off.”¹²⁷

106. In December 2017, Médecins Sans Frontières (Doctors Without Borders) (“MSF”) published estimates of Rohingya deaths between August 25 and September 24, 2017—the month after the “clearance operations” began—based on surveys of refugees in Bangladesh. MSF estimated that “8,170 deaths were due to violence ..., including 1,247 children under five years of age.... Cause of death by shooting accounted for 69.4% of these deaths; being ‘burned to death at home’ accounted for 8.8%; being beaten to death accounted for 5.0%; sexual violence leading to death for 2.6%; and death by landmine for 1.0.%.”

107. MSF noted that “the rates of mortality captured here are likely to be underestimates, as the data does not account for those people who have not yet been able to flee Myanmar, or for families who were killed in their entirety.”¹²⁸ The U.N. Mission similarly “concluded that the estimated number of more than 10,000 deaths during the August-September 2017 ‘clearance operations’ alone is likely to be conservative.”¹²⁹

23 ¹²⁵ *Id.* at 62.

24 ¹²⁶ *Id.* at 65.

25 ¹²⁷ *Id.* at 69.

26 ¹²⁸ *Rohingya crisis – a summary of findings from six pooled surveys*, MÉDICINS SANS FRONTIÈRES (Dec. 9, 2017), <https://www.msf.org/myanmarbangladesh-rohingya-crisis-summary-findings-six-pooled-surveys>.

27 ¹²⁹ UNHRC Report, ¶ 1482,
28 https://digitallibrary.un.org/record/1643079/files/A_HRC_39_CRP-2-EN.pdf.

1 108. Most of the Rohingya who escaped the clearance operations now live in “a
 2 miserable slum of a million people” in Bangladesh. *Time* reported in 2019 that “[c]onditions in
 3 the [refugee] camps remain abysmal. Most refugees live in small shacks made of bamboo and
 4 tarpaulin sheets, so tightly packed together that they can hear their neighbors talking, having sex,
 5 and disciplining their children or, sometimes, wives. In the springtime, the huts turn into saunas.
 6 In the monsoon season, daily rainfall turns hilly footpaths into waterslides and lifts trash and
 7 human waste from open drains to float in stagnant pools.” “[M]urders and other forms of
 8 violence occur almost nightly inside the camps and are rarely if ever investigated.”¹³⁰ “The
 9 Rohingya are ..., with no access to meaningful work, entirely dependent on humanitarian aid....
 10 These factors increase vulnerability, in particular for women and girls, to trafficking and other
 11 exploitation.”¹³¹ According to Steven Corliss of the U.N. refugee agency, UNHCR, “The
 12 situation is untenable: environmentally, socially and economically.”¹³²

13 109. Plaintiff and the Class have been deprived of their property, including their homes
 14 and the land they cultivated for generations. In an update to its 2018 Report, the U.N. Mission
 15 wrote:

16 The Mission concludes on reasonable grounds that the Government
 17 undertook a concerted effort to clear and destroy and then
 18 confiscate and build on the lands from which it forcibly displaced
 19 hundreds of thousands of Rohingya. The consequences are two-
 20 fold. This government-led effort subjugates Rohingya to inhumane
 21 living conditions as [internally displaced persons] and refugees by
 22 denying them access to their land, keeping them uprooted from
 23 their homes, depriving them of their ability to progress in
 24 healthy and safe communities and preventing them from engaging
 25 in livelihood activities that sustain them as a people. The second
 26 consequence of the Government’s four-pronged approach of
 27 clearing, destroying, confiscating and building on land is that it is
 28 fundamentally altering the demographic landscape of the area by

¹³⁰ Feliz Solomon, ‘We’re Not Allowed to Dream.’ *Rohingya Muslims Exiled to Bangladesh Are Stuck in Limbo Without an End in Sight*, TIME (May 23, 2019), <https://time.com/longform/rohingya-muslims-exile-bangladesh/>.

¹³¹ UNHRC Report, ¶ 1174, https://digitallibrary.un.org/record/1643079/files/A_HRC_39_CRP-2-EN.pdf.

¹³² Feliz Solomon, ‘We’re Not Allowed to Dream.’ *Rohingya Muslims Exiled to Bangladesh Are Stuck in Limbo Without an End in Sight*, TIME (May 23, 2019), <https://time.com/longform/rohingya-muslims-exile-bangladesh/>.

1 cementing the demographic re-engineering of Rakhine State that
 2 resulted from mass displacement. Much of this is being done under
 3 the guise of ‘development,’ with a clear discourse emerging to this
 4 effect in the immediate aftermath of the August 2017 ‘clearance
 5 operations.’¹³³

6 110. In addition to loss of life, physical injuries, emotional trauma, and destruction or
 7 taking of property, Plaintiff and the Class have been deprived of their culture and community.
 8 The Rohingya people have their own language, not spoken anywhere else in the world. They
 9 have lost their traditional places of worship. Family and community ties dating back generations
 10 have been torn apart.

11 111. Having become refugees in foreign countries where they largely do not speak the
 12 language, have no financial resources, and lack knowledge of the culture or legal system,
 13 Plaintiff and the Class have been denied meaningful justice. Most Class members have been
 14 attempting to recover from severe physical and/or emotional trauma and struggling to survive in
 15 dangerous, overcrowded refugee camps in Bangladesh—thousands of miles from any court
 16 having jurisdiction over Facebook—since they were forced from Myanmar.

17 112. The U.N. concluded that “[t]he attack on the Rohingya population of Myanmar
 18 was horrendous in scope. The images of an entire community fleeing from their homes across
 19 rivers and muddy banks, carrying their babies and infants and elderly, their injured and dying,
 20 will and must remain burned in the minds of the international community. So will the ‘before
 21 and after’ satellite imagery, revealing whole villages literally wiped off the map. In much of
 22 northern Rakhine State, every trace of the Rohingya, their life and community as it has existed
 23 for decades, was removed.... The ‘clearance operations’ were indeed successful.”¹³⁴

24 113. Among the U.N. Mission’s findings were:

- 25 • The elements of the crime of genocide were satisfied. “The
 26 Mission is satisfied that the Rohingya ... constitute a protected

27 ¹³³ *Report of the detailed findings of the Independent International Fact-Finding Mission on*
 28 *Myanmar*, UNITED NATIONS HUMAN RIGHTS COUNCIL (Sept. 16, 2019),
https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/20190916/A_HRC_42_CRP.5.pdf, (“UNHRC 2019 Report”) ¶ 139.

29 ¹³⁴ UNHRC Report, ¶ 1439,
https://digitallibrary.un.org/record/1643079/files/A_HRC_39_CRP-2-EN.pdf.

group.”¹³⁵ “The gross human rights violations ... suffered by the Rohingya at the hands of the Tatmadaw and other security forces (often in concert with civilians) include conduct that falls with four of [the] five categories of prohibited acts,” including killings, serious bodily and mental harm, conditions of life calculated to physically destroy the Rohingya, and measures intended to prevent births.¹³⁶ “The Mission ... concludes, on reasonable grounds, that the factors allowing the inference of genocidal intent are present.”¹³⁷

- “The Mission finds that crimes against humanity have been committed in ... Rakhine [State], principally by the Tatmadaw.... [T]hese include crimes against humanity of murder; imprisonment[;] enforced disappearance; torture; rape, sexual slavery and other forms of sexual violence; persecution; and enslavement.”¹³⁸

114. In its 2019 report, the U.N. Mission reaffirmed its earlier conclusions: “the Mission concludes on reasonable grounds that, since the publication of the Mission’s 2018 report, the Government has committed the crimes against humanity of ‘other inhumane acts’ and ‘persecution’ in the context of a continued widespread and systematic attack against the Rohingya civilian population in furtherance of a State policy to commit such an attack.”¹³⁹ Furthermore, the Mission concluded that “the evidence supports an inference of genocidal intent and, on that basis, that the State of Myanmar breached its obligation not to commit genocide under the Genocide Convention under the rules of State responsibility.”¹⁴⁰

C. Facebook’s Role in the 2017 “Clearance Operations”

115. The U.N. Mission specifically found that Facebook had contributed to the 2017 Clearance Operations:

The Mission has examined documents, ... *Facebook posts* and audio-visual materials that have contributed to shaping public opinion on the Rohingya.... The analysis demonstrates that a carefully crafted hate campaign has developed a negative

¹³⁵ *Id.* ¶ 1391.

¹³⁶ *Id.* ¶ 1392.

¹³⁷ *Id.* ¶ 1441.

¹³⁸ *Id.* ¶ 1511.

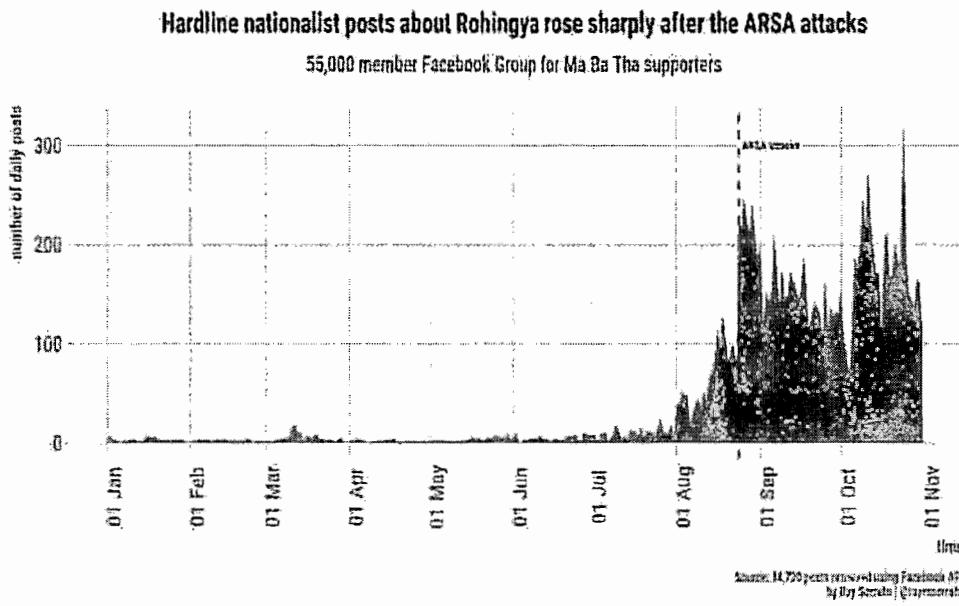
¹³⁹ UNHRC 2019 Report, ¶ 214,
https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/20190916/A_HRC_42_CRP.5.pdf.

¹⁴⁰ *Id.* ¶ 220.

perception of Muslims among the broad population in Myanmar.... This hate campaign, which continues to the present day, portrays the Rohingya ... as an existential threat to Myanmar and to Buddhism.... It is accompanied by dehumanising language and the branding of the entire [Rohingya] community as 'illegal Bengali immigrants.' *This discourse created a conducive environment for the 2012 and 2013 anti-Muslim violence in Rakhine State and beyond, without strong opposition from the general population. It also enabled the hardening of repressive measures against the Rohingya and Kaman in Rakhine State and subsequent waves of State-led violence in 2016 and 2017.*¹⁴¹

116. The Guardian described the work of two analysts who noted a strong correlation between the amount of hate speech on Facebook and the violence inflicted on the Rohingya in late 2017:

Digital researcher and analyst Raymond Serrato examined about 15,000 Facebook posts from supporters of the hardline nationalist Ma Ba Tha group. The earliest posts dated from June 2016 and spiked on 24 and 25 August 2017, when ARSA Rohingya militants attacked government forces, prompting the security forces to launch the 'clearance operation' that sent hundreds of thousands of Rohingya pouring over the border.



¹⁴¹ UNHRC Report, ¶ 696,
https://digitallibrary.un.org/record/1643079/files/A_HRC_39_CRP-2-EN.pdf (emphasis added).

1 Serrato's analysis showed that activity within the anti-Rohingya
 2 group, which has 55,000 members, exploded with posts registering
 3 a 200% increase in interactions.
 4

5 'Facebook definitely helped certain elements of society to
 6 determine the narrative of the conflict in Myanmar,' Serrato told
 7 the Guardian. 'Although Facebook had been used in the past to
 8 spread hate speech and misinformation, it took on greater potency
 9 after the attacks.'

10 * * *

11 Alan Davis, an analyst from the Institute for War and Peace
 12 Reporting who led a two-year study of hate speech in Myanmar,
 13 said that in the months before August he noticed posts on
 14 Facebook becoming 'more organised and odious, and more
 15 militarised.'

16 His research team encountered fabricated stories stating that
 17 'mosques in Yangon are stockpiling weapons in an attempt to blow
 18 up various Buddhist pagodas and Shwedagon pagoda,' the most
 19 sacred Buddhist site in Yangon in a smear campaign against
 20 Muslims. These pages also featured posts calling Rohingya the
 21 derogatory term 'kalars' and 'Bengali terrorists.' Signs denoting
 22 'Muslim-free' areas were shared more than 11,000 times.

23 * * *

24 Davis said ... 'I think things are so far gone in Myanmar right
 25 now ... I really don't know how Zuckerberg and co sleep at night.
 26 If they had any kind of conscience they would be pouring a good
 27 percentage of their fortunes into reversing the chaos they have
 28 created.'¹⁴²

117. The Myanmar military used Facebook to justify the "clearance operations" in

2017:

- 21 • "In a post from the official Facebook page of the Office of the
 22 Tatmadaw Commander-in-Chief, ... [a Myanmar parable about a
 23 camel which gradually takes more and more space in his
 24 merchant's tent, until eventually the merchant is forced out] was
 25 explained in detail in connection with the issue of the Rohingya in
 26 Rakhine State.... Prior to its deletion by Facebook in August 2018,
 27 the post had almost 10,000 reactions, over 6,000 shares and 146
 28 comments."¹⁴³

25 ¹⁴² Libby Hogan, Michael Safi, *Revealed: Facebook hate speech exploded in Myanmar*
 26 *during Rohingya crisis*, THE GUARDIAN (Apr. 2, 2018),
<https://www.theguardian.com/world/2018/apr/03/revealed-facebook-hate-speech-exploded-in-myanmar-during-rohingya-crisis>.

27 ¹⁴³ UNHRC Report, ¶ 1312,
https://digitallibrary.un.org/record/1643079/files/A_HRC_39_CRP-2-EN.pdf.

- 1 • “[I]n a 21 September 2017 post on Facebook ... [the Tatmadaw]
2 Commander-in-Chief ... states that, ‘the Bengali population
3 exploded and the aliens tried to seize the land of the local
4 ethnics....’”¹⁴⁴
- 5 • “[O]n 11 October 2017 the Commander-in-Chief ... posted: ‘there
6 is exaggeration to say that the number of Bengali fleeing to
7 Bangladesh is very large.’ At the time more than 600,000
8 Rohingya had fled ... Myanmar in a period of six weeks.”¹⁴⁵
- 9 • “On 27 October 2017, in another Facebook post entitled ‘every
10 citizen has the duty to safeguard race, religion, cultural identities
11 and national interest,’ [the] Commander-in-Chief stated that ‘all
12 must ... preserve the excellent characteristics of the country
13 ...’”¹⁴⁶

148. Rolling Stone reported that “[m]ore shocking was how [the military’s] bigoted
149 doctrine was parroted by Aung San Suu Kyi, the Nobel Peace Prize-winning human-rights icon
150 and de facto leader of Myanmar.... When she finally broke her silence, *on Facebook*, nearly two
151 weeks after the 2017 attacks began, it was in cold defense of the same military that kept her
152 under house arrest for 15 years when she was the country’s leading dissident. Suu Kyi blamed
153 ‘terrorists’ for promoting a ‘huge iceberg of misinformation’ about the violence engulfing
154 Rakhine. She made no mention of the Rohingya exodus.”¹⁴⁷

155. The U.N. additionally found that there was “no doubt that the prevalence of hate
156 speech in Myanmar significantly contributed to increased tension and a climate in which
157 individuals and groups may become more receptive to incitement and calls for violence. *This*
158 *also applies to hate speech on Facebook.*”¹⁴⁸ In early 2018, U.N. investigator Yanghee Lee
159 warned that “Facebook has become a beast,” and that “we know that the ultra-nationalist
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1 Buddhists have their own Facebooks and are really inciting a lot of violence and a lot of hatred
 2 against the Rohingya or other ethnic minorities.”¹⁴⁹

3 **D. Civilian Participation in the 2017 “Clearance Operations”**

4 120. The radicalization of the Burmese population, to which Facebook materially
 5 contributed, did not merely ensure tolerance of and support for the military’s campaign of
 6 genocide against the Rohingya, it also allowed the military to recruit, equip, and train “civilian
 7 death squads” that would actively participate in the atrocities.¹⁵⁰

8 121. The U.N. Mission drew a connection between anti-Rohingya reporting and hate
 9 speech, ethnic tension, and the ability of the military to recruit non-Rohingya civilians to
 10 perpetrate violence against the Rohingya, finding:

- 11 • “The inflammatory nature of much of this reporting [on activities
 of Rohingya militants], often characterizing Rohingya as ‘Bengali
 terrorists,’ coupled with rising vitriolic discourse and hate speech
 against the Rohingya, fuelled an already volatile situation.”¹⁵¹
- 12 • “[The reports] deepened inter-communal suspicion and fear. They
 were likely a factor in a notable breakdown in the relationship
 between the communities, particularly in the weeks leading up to
 25 August 2017.”¹⁵²
- 13 • “During this period [beginning in late 2016], the Myanmar
 authorities made increasing efforts to recruit ethnic Rakhine as
 members of the security apparatus.... Moreover, the recruitment of
 non-Rohingya to Government supported militias ... continued
 throughout this period in Rakhine State.”¹⁵³

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 21 ¹⁴⁹ Libby Hogan, Michael Safi, *Revealed: Facebook hate speech exploded in Myanmar during Rohingya crisis*, THE GUARDIAN (Apr. 2, 2018),
 22 <https://www.theguardian.com/world/2018/apr/03/revealed-facebook-hate-speech-explored-in-myanmar-during-rohingya-crisis>; see Tom Miles, *U.N. investigators cite Facebook role in Myanmar crisis*, REUTERS (Mar. 12, 2018), <https://www.reuters.com/article/us-myanmar-rohingya-facebook-idUKKCN1GO2PN>.

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 24 ¹⁵⁰ Jason Motlagh, *The Survivors of the Rohingya Genocide*, ROLLING STONE (Aug. 9, 2018),
 25 <https://www.rollingstone.com/politics/politics-features/rohingya-genocide-myanmar-701354/>.

26 ¹⁵¹ UNHRC Report, ¶ 1134,
https://digitallibrary.un.org/record/1643079/files/A_HRC_39_CRP-2-EN.pdf.

27 ¹⁵² *Id.* ¶ 1135.

28 ¹⁵³ *Id.* ¶ 1143-44.

1 122. In a 162-page report based on 254 interviews, the human rights group Fortify
 2 Rights documented how, in August 2017, “Myanmar authorities … activated non-Rohingya
 3 civilian squads, some of whom the authorities previously armed and/or trained. These civilian
 4 perpetrators … acted under the Myanmar military and police in razing hundreds of Rohingya
 5 villages throughout northern Rakhine State, brutally killing masses of unarmed Rohingya men,
 6 women, and children.”¹⁵⁴ The title of the report, “They Gave Them Long Swords,” referred to an
 7 eyewitness account of Myanmar soldiers arming non-Rohingya civilians.¹⁵⁵

8 123. In a chapter of its report entitled “Criminal Acts Against Rohingya by Civilian
 9 Perpetrators Since August 25, 2017,” Fortify Rights stated:

10 After arming and training local non-Rohingya citizens who had a
 11 demonstrated history of hostility toward Rohingya Muslims in
 12 northern Rakhine State, the Myanmar authorities activated them on
 13 August 25.... Groups of local non-Rohingya citizens, in some
 14 cases trained, armed, and operating alongside Myanmar security
 15 forces, murdered Rohingya men, women, and children, destroyed
 16 and looted Rohingya property, and assisted the Myanmar Army
 17 and Police in razing villages.¹⁵⁶

18 124. In a Facebook post on September 22, 2017, the Burmese Commander-in-Chief
 19 “encouraged further cooperation between local non-Rohingya citizens and the Myanmar
 20 military, saying ‘[l]ocal ethnics can strengthen the defense prowess by living in unity and by
 21 joining hands with the administrative bodies and security forces in oneness.’”¹⁵⁷

22 **E. Facebook Ignored Complaints of Hate Speech on its Website**

23 125. Because Myanmar’s history of repressive military rule and ethnic violence was
 24 well-documented by the time Facebook became widely available in Myanmar around 2012,
 25 Facebook should have known that its product could be used to spread hate speech and

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¹⁵⁴ Fortify Rights Report, at 12-13, 14,
 27 https://www.fortifyrights.org/downloads/Fortify_Rights_Long_Swords_July_2018.pdf.

¹⁵⁵ *Id.* at 16.

¹⁵⁶ *Id.* at 55.

¹⁵⁷ *Id.* at 46 & n.87 (citing Facebook post).

1 misinformation. In addition, beginning in 2013, Facebook was repeatedly alerted to hate speech
 2 on its system:

- 3 • In 2013, a new civil society organization called Panzagar, meaning
 4 “flower speech,” was formed in Myanmar.¹⁵⁸ The group spoke out
 5 locally about anti-Muslim hate speech directed at the Rohingya
 6 minority that was proliferating on Facebook. One of the group’s
 7 awareness-raising methods was to put flowers in their mouths to
 8 symbolize speaking messages of peace versus hate. Panzagar
 9 reported instances of hate speech to Facebook.¹⁵⁹
- 10 • In November 2013, Aela Callan, an Australian documentary
 11 filmmaker, “met at Facebook’s California headquarters with Elliott
 12 Schrage, vice president of communications and public policy” to
 13 discuss a project she had begun regarding “hate speech and false
 14 reports that had spread online during conflicts between Buddhists
 15 and Rohingya Muslims the prior year.... I was trying to alert him to
 16 the problems she said....” But “[h]e didn’t connect me with anyone
 17 inside Facebook who could deal with the actual problem....”¹⁶⁰
- 18 • “On March 3, 2014, Matt Schissler [an American aid worker
 19 working in Myanmar], was invited to join a call with Facebook on
 20 the subject of dangerous speech online.... Toward the end of the
 21 meeting, Schissler gave a stark recounting of how Facebook was
 22 hosting dangerous Islamophobia. He detailed the dehumanizing and
 23 disturbing language people were using in posts and the doctored
 24 photos and misinformation being spread widely.”¹⁶¹
- 25 • By June 14, 2014, Al Jazeera had published an article entitled
 26 “Facebook in Myanmar: Amplifying Hate Speech?” In that article,
 27 a civil society activist was quoted as saying: “Since the violence in
 28 Rakhine state began, we can see that online hate speech is spreading
 29 and becoming more and more critical and dangerous.... **I think**
 30 **Facebook is the most effective way of spreading hate speech.** It’s
 31 already very widespread, infecting the hearts of people.” The article
 32 cited Facebook posts reading: “We should kill every Muslim. No
 33 Muslims should be in Myanmar”; “Why can’t we kick out the

21 ¹⁵⁸ Hereward Holland, *Facebook in Myanmar: Amplifying Hate Speech?*, AL JAZEERA
 22 (Jun. 14, 2014), <https://www.aljazeera.com/features/2014/6/14/facebook-in-myanmar-amplifying-hate-speech>.

23 ¹⁵⁹ Mary Michener Oye, *Using ‘flower speech’ and new Facebook tools, Myanmar fights*
 24 *online hate speech*, THE WASHINGTON POST,
 25 https://www.washingtonpost.com/national/religion/using-flower-speech-and-new-facebook-tools-myanmar-fights-online-hate-speech/2014/12/24/3bff458c-8ba9-11e4-ace9-47de1af4c3eb_story.html.

26 ¹⁶⁰ Steve Stecklow, *Why Facebook is losing the war on hate speech in Myanmar*, REUTERS
 27 (Aug. 15, 2018), <https://www.reuters.com/investigates/special-report/myanmar-facebook-hate/>.

28 ¹⁶¹ Sheera Frenkel and Cecilia Kang, *An Ugly Truth: Inside Facebook’s Battle for*
 Domination, at 177 (HarperCollins 2021).

1 Muslim dogs?”; and “all terrorists are Muslim ... they kill innocent
 2 men and women so peace and Islam are not related.”¹⁶²

3

- 4 • On August 18, 2014, PRI’s “The World” program published a story
 5 entitled “In newly liberated Myanmar, hatred spreads on
 6 Facebook.” After describing several false rumors that led to
 7 violence, the article reported: “The pattern repeats in towns and
 8 villages across Myanmar. Rumors rip through communities, fueled
 9 by seething racism and embellishments. Graphic images of violence
 10 are shared virally through social media platforms like Facebook,
 11 which has become one of the most popular websites in the
 12 country....”¹⁶³
- 13 • After the March 2014 call with Schissler, “a handful of Facebook
 14 employees started an informal working group to connect Facebook
 15 employees in Menlo Park with activists in Myanmar.”¹⁶⁴ Schissler
 16 said that “between March and December 2014, he held [a series] of
 17 discussions with Facebook officials.... He told them how the
 18 platform was being used to spread hate speech and false rumors in
 19 Myanmar, he said, including via fake accounts.”¹⁶⁵
- 20 • “In March 2015, Schissler gave a talk at Facebook’s California
 21 headquarters about new media, particularly Facebook, and anti-
 22 Muslim violence in Myanmar.”¹⁶⁶ “In a small conference room
 23 where roughly a dozen Facebook employees had gathered, with
 24 others joining by video-conference, he shared a PowerPoint
 25 presentation that documented the seriousness of what was
 26 happening in Myanmar: hate speech on Facebook was leading to
 27 real-world violence in the country, and it was getting people
 28 killed.”¹⁶⁷ One Facebook employee asked whether Schissler thought
 1 genocide could happen in Myanmar: “‘Absolutely’ he answered. If
 2 Myanmar continued on its current path, and the anti-Muslim hate
 3 speech grew unabated, a genocide was possible. No one followed
 4 up on the question.”¹⁶⁸

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20 ¹⁶² Hereward Holland, *Facebook in Myanmar: Amplifying Hate Speech?*, AL JAZEERA
 21 (Jun. 14, 2014), <https://www.aljazeera.com/features/2014/6/14/facebook-in-myanmar-amplifying-hate-speech> (emphasis added).

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23 ¹⁶³ Bridget DiCerto, *In newly liberated Myanmar, hatred spreads on Facebook*, THE WORLD
 24 (Aug 8, 2014), <https://www.pri.org/stories/2014-08-08/newly-liberated-myanmar-hatred-spreads-facebook>.

25 ¹⁶⁴ Sheera Frenkel and Cecilia Kang, *An Ugly Truth: Inside Facebook’s Battle for
 26 Domination*, at 178 (HarperCollins 2021).

27 ¹⁶⁵ Steve Stecklow, *Why Facebook is losing the war on hate speech in Myanmar*, REUTERS
 28 (Aug. 15, 2018), <https://www.reuters.com/investigates/special-report/myanmar-facebook-hate/>.

¹⁶⁶ *Id.*

¹⁶⁷ Sheera Frenkel and Cecilia Kang, *An Ugly Truth: Inside Facebook’s Battle for
 27 Domination*, at 181 (HarperCollins 2021).

¹⁶⁸ *Id.* at 181-82.

- 1 • “‘They were warned so many times,’ said David Madden, a tech
2 entrepreneur who worked in Myanmar. He said he told Facebook
3 officials in 2015 that its platform was being exploited to foment
4 hatred in a talk he gave at its headquarters in Menlo Park,
California. About a dozen Facebook people attended the meeting in
person.... Others joined via video. ‘It couldn’t have been presented
to them more clearly, and they didn’t take the necessary steps,’
Madden said.”¹⁶⁹
- 5 • Brooke Binkowski, who worked for an organization that did fact-
6 checking for Facebook beginning in early 2017, “said she tried to
raise concerns about misuse of the platform abroad, such as the
7 explosion of hate speech and misinformation during the Rohingya
8 crisis in Myanmar.... ‘I was bringing up Myanmar over and over
and over,’ she said. ‘They were absolutely resistant.’ Binkowski,
9 who previously reported on immigration and refugees, said
Facebook largely ignored her: ‘I strongly believe that they are
spreading fake news on behalf of hostile foreign powers and
authoritarian governments as part of their business model.’”¹⁷⁰

11 126. Facebook’s response to such warnings about hate speech on its websites in Burma
12 was, however, utterly ineffective. The extreme import of what Matt Schissler was describing
13 “didn’t seem to register with the Facebook representatives. They seemed to equate the harmful
14 content with cyberbullying: Facebook wanted to discourage people from bulling across the
15 system, he said, and they believed that the **same set of tools they used to stop a high school**
16 **senior from intimidating an incoming freshman could be used to stop Buddhist monks in**
17 **Myanmar from spreading malicious conspiracy theories about Rohingya Muslims.**”¹⁷¹

18 127. Facebook had almost no capability to monitor the activity of millions of users in
19 Burma: “In 2014, the social media behemoth had just one content reviewer who spoke Burmese:
20 a local contractor in Dublin, according to messages sent by Facebook employees in the private
21 Facebook chat group. A second Burmese speaker began working in early 2015, the messages
22 show.” Accenture, to whom Facebook outsourced the task of monitoring for violations of its

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24 ¹⁶⁹ Steve Stecklow, *Why Facebook is losing the war on hate speech in Myanmar*, REUTERS
(Aug. 15, 2018), <https://www.reuters.com/investigates/special-report/myanmar-facebook-hate/>.

25 ¹⁷⁰ Sam Levin, ‘*They don’t care*’: Facebook factchecking in disarray as journalists push to
26 cut ties, THE GUARDIAN (Dec. 13, 2018),
<https://www.theguardian.com/technology/2018/dec/13/they-dont-care-facebook-fact-checking-in-disarray-as-journalists-push-to-cut-ties>.

27 ¹⁷¹ Sheera Frenkel and Cecilia Kang, *An Ugly Truth: Inside Facebook’s Battle for*
28 *Domination*, at 178 (HarperCollins 2021) (emphasis added).

1 community standards in Burma and other Asian countries, did not hire its first two Burmese
 2 speakers, who were based in Manila, until 2015. Former monitors “said they didn’t actually
 3 search for hate speech themselves; instead, they reviewed a giant queue of posts mostly reported
 4 by Facebook users.” Chris Tun, a Deloitte consultant who had arranged meetings between the
 5 Burmese government and Facebook, told Reuters: “Honestly, Facebook had no clue about
 6 Burmese content. They were totally unprepared.”¹⁷²

7 128. Instead, Facebook tried initially to rely entirely on users to report inappropriate
 8 posts. However, “[a]lthough Myanmar users at the time could post on Facebook in Burmese, the
 9 platform’s interface – including its system for reporting problematic posts – was in English.”¹⁷³

10 129. In one case in 2018, Mark Zuckerberg was forced to apologize for exaggerating
 11 Facebook’s monitoring capabilities. In an interview with Vox, Zuckerberg cited “one incident
 12 where Facebook detected that people were trying to spread ‘sensational messages’ through
 13 Facebook Messenger to incite violence on both sides of the conflict” but claimed that “the
 14 messages were detected and stopped from going through.”¹⁷⁴ In response, a group of activists
 15 issued an open letter criticizing Zuckerberg and pointing out that Facebook had not detected the
 16 messages; rather, the activists had “flagged the messages repeatedly to Facebook, barraging its
 17 employees with strongly worded appeals until the company finally stepped in to help.”
 18 Zuckerberg apologized in an email: “I apologize for not being sufficiently clear about the
 19 important role that your organizations play in helping us understand and respond to Myanmar-
 20 related issues, including the September incident you referred to.”¹⁷⁵

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 22
 23 ¹⁷² Steve Stecklow, *Why Facebook is losing the war on hate speech in Myanmar*, REUTERS
 24 (Aug. 15, 2018), <https://www.reuters.com/investigates/special-report/myanmar-facebook-hate/>.

25 ¹⁷³ *Id.*

26 ¹⁷⁴ Jen Kirby, *Mark Zuckerberg on Facebook’s role in ethnic cleansing in Myanmar: ‘It’s a real issue’*, VOX (Apr. 2, 2018), <https://www.vox.com/2018/4/2/17183836/mark-zuckerberg-facebook-myanmar-rohingya-ethnic-cleansing-genocide>.

27 ¹⁷⁵ Kevin Roose, Paul Mozur, *Zuckerberg Was Called Out Over Myanmar Violence. Here’s His Apology*, NEW YORK TIMES (Apr. 9, 2018),
 28 <https://www.nytimes.com/2018/04/09/business/facebook-myanmar-zuckerberg.html>.

1 130. Reuters' Steve Stecklow sent the examples of hate speech that he and his team
 2 had found on the system, some of which was "extremely violent and graphic," to Facebook: "It
 3 was sickening to read.... When I sent it to Facebook, I put a warning on the email saying I just
 4 want you to know these are very disturbing things.... What was so remarkable was that [some
 5 of] this had been on Facebook for five years and it wasn't until we notified them in August [of
 6 2018] that it was removed."¹⁷⁶

7 131. "The [U.N.] Mission itself experienced a slow and ineffective response from
 8 Facebook when it used the standard reporting mechanism to alert the company to a post targeting
 9 a human rights defender for his alleged cooperation with the Mission." "The post described the
 10 individual as a 'national traitor,' consistently adding the adjective 'Muslim.' It was shared and
 11 reposted over 1,000 times. Numerous comments to the post explicitly called for the person to be
 12 killed, in unequivocal terms: ... 'If this animal is still around, find him and kill him....' 'He is a
 13 Muslim. Muslims are dogs and need to be shot....' 'Remove his whole race.' ... In the weeks
 14 and months after the post went online, the human rights defender received multiple death threats
 15 from Facebook users...." "The Mission reported this post to Facebook on four occasions; in each
 16 instance the response received was that the post was examined but 'doesn't go against one of
 17 [Facebook's] specific Community Standards.' ... The post was finally removed several weeks
 18 later but only through the support of a contact at Facebook, not through the official channel.
 19 Several months later, however, the Mission found at least 16 re-posts of the original post still
 20 circulating on Facebook."¹⁷⁷

21 132. On February 25, 2015, Susan Benesch, a human rights lawyer and researcher who
 22 directs the Dangerous Speech Project at the Berkman Klein Center for Internet & Society at
 23 Harvard University, gave a presentation entitled "The Dangerous Side of Language" at
 24 Facebook. The presentation showed how anti-Rohingya speech being disseminated by Facebook
 25

26 ¹⁷⁶ Anisa Sudebar, *The country where Facebook posts whipped up hate*, BBC TRENDING
 (Sept. 12, 2018), <https://www.bbc.com/news/blogs-trending-45449938>.

27 ¹⁷⁷ UNHRC Report, ¶ 1351,
 28 https://digitallibrary.un.org/record/1643079/files/A_HRC_39_CRP-2-EN.pdf.

1 in Myanmar was not merely hate speech but “Dangerous speech” that “Moves an audience to
2 condone or take part in violence”.¹⁷⁸

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5 “They are breeding so
6 fast, and they are
7 stealing our women,
8 raping them...
We must keep
Myanmar Buddhist.”

9 Wirathu



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12 133. Even after the atrocities in late 2017, Facebook refused to help obtain justice for
the Rohingya:

13
14 In late September 2018, Matthew Smith, the CEO of Fortify
15 Rights, a human rights organization based in Southeast Asia, began
16 to work with human rights groups to build a case strong enough for
the International Criminal Court, at the Hague, proving that
17 Burmese soldiers had violated international laws and perpetuated a
genocide against the Rohingya.... The platform held detailed
information on all its user accounts; even when posts were deleted,
Facebook kept a record of everything a person had ever written,
and every image uploaded.... Most Burmese soldiers had
Facebook on their phones, so the company would have records of
18 the locations of army units’ soldiers to match with attacks on
19 Rohingya villages.

20
21 * * *

22 If Smith and other human rights workers could get their hands on
the deleted posts, they could build a stronger case documenting
23 how Myanmar’s military had both carried out a genocide against

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25
26 ¹⁷⁸ Susan Benesch, *The Dangerous Side of Language*, Dangerous Speech Project, available
27 at <https://www.dropbox.com/s/tazw9elxptu5jug/The%20Dangerous%20Side%20of%20Language.pdf?dl=0&fbclid=IwAR1bhQI4-BHCawG6g0opX3ManYAMN6IKd8kY8sB4x76nq66vihlAd1Ev0As>.

the Rohingya and manipulated the public into supporting their military onslaught.¹⁷⁹

Apparently not eager to help prove that Facebook had been complicit in genocide, Facebook's lawyers denied Smith's requests for access to the data: "Facebook had the chance to do the right thing again and again, but they didn't. Not in Myanmar," said Smith. 'It was a decision, and they chose not to help.'"¹⁸⁰

134. Worst yet, Facebook's activity promoted such content to its users, thus actively participating in disinformation efforts that led to the genocide.

135. Facebook ultimately ratified its conduct and its involvement of the genocide and violence in Burma by admitting shortcomings of its system.

F. Facebook Admits That It Had a Responsibility to Prevent Its Product From Being Used to Incite Violence and Genocide

12 136. In 2018, after the “clearance operations,” several senior Facebook executives,
13 including Mark Zuckerberg, belatedly admitted that the company had a responsibility to prevent
14 its product from being used to incite violence in Burma and should have done more in that
15 regard. On April 10, 2018, Zuckerberg testified before the U.S. Senate:

SEN. PATRICK LEAHY: ... [S]ix months ago, I asked your general counsel about Facebook's role as a breeding ground for hate speech against Rohingya refugees. Recently, U.N. investigators blamed Facebook for playing a role in inciting possible genocide in Myanmar. And there has been genocide there....

This is the type of content I'm referring to. It calls for the death of a Muslim journalist. Now, that threat went straight through your detection system, it spread very quickly, and then it took attempt after attempt after attempt, and the involvement of civil society groups, to get you to remove it.

Why couldn't it be removed within 24 hours?

ZUCKERBERG: Senator, what's happening in Myanmar is a terrible tragedy, and *we need to do more....*

¹⁷⁹ Sheera Frenkel and Cecilia Kang, *An Ugly Truth: Inside Facebook's Battle for Domination*, at 185-86 (HarperCollins 2021).

¹⁸⁰ *Id.* at 186-87.

1 LEAHY: We all agree with that.¹⁸¹

2 137. In a statement to Reuters, Mia Garlick, Facebook's director of Asia Pacific
 3 Policy, stated: "*We were too slow to respond* to concerns raised by civil society, academics and
 4 other groups in Myanmar. We don't want Facebook to be used to spread hatred and incite
 5 violence. This ... is especially true in Myanmar where *our services can be used to amplify hate*
 6 *or exacerbate harm against the Rohingya.*"¹⁸²

7 138. In August 2018, Sara Su, a Product Manager, posted on Facebook's blog:

8 We have a responsibility to fight abuse on Facebook. This is
 9 especially true in countries like Myanmar where many people are
 10 using the internet for the first time and social media can be used to
 11 spread hate and fuel tension on the ground.

12 The ethnic violence in Myanmar is horrific and we have been too
 13 slow to prevent misinformation and hate on Facebook.¹⁸³

14 139. On September 5, 2018, Facebook COO Sheryl Sandberg testified before the U.S.

15 Senate:

16 SEN. MARK WARNER: ... Ms. Sandberg, you made mention in
 17 your opening testimony the fact that sometimes political actors are
 18 using the platforms really to incent violence. I mean, I think
 19 you've made at least some reference, mention of Myanmar. We've
 20 obviously seen a great tragedy take place there where hundreds of
 21 thousands of Rohingya Muslims are fleeing and in many ways.
 22 The U.N. High Commissioner has said that fake accounts on
 23 Facebook have incented that violence. *Do you believe that*
Facebook has both a moral obligation and potentially even a
legal obligation to take down accounts that are actually
 24 incentivizing violence?

25 ¹⁸¹ *Facebook, Social Media Privacy, and the Use and Abuse of Data, Senate Hearing 115-*
 26 *683 before the Comm. on Commerce, Science, and Transportation, et al.*, 115th Cong. (Apr. 10,
 27 2018), <https://www.govinfo.gov/content/pkg/CHRG-115shrg37801/html/CHRG-115shrg37801.htm>.

28 ¹⁸² Steve Stecklow, *Why Facebook is losing the war on hate speech in Myanmar*, REUTERS
 29 (Aug. 15, 2018), <https://www.reuters.com/investigates/special-report/myanmar-facebook-hate/> (emphasis added).

¹⁸³ Sara Su, *Update on Myanmar*, FACEBOOK NEWSROOM (Aug. 15, 2018),
<https://about.fb.com/news/2018/08/update-on-myanmar/>.

SHERYL SANDBERG: *I strongly believe that*. In the case of what's happened in Myanmar, it's, it's devastating and we're taking aggressive steps and *we know we need to do more....*¹⁸⁴

140. In October 2018, BSR (Business for Social Responsibility) published a human rights impact assessment—commissioned by Facebook itself—of Facebook’s presence in Burma; BSR found that:

- “Facebook is … used to spread rumors about people and events. Character assassinations were described to BSR during this assessment, and in extreme cases these have extended to online death threats.... There are indications that organized groups make use of multiple fake accounts and news pages to spread hate speech, fake news, and misinformation for political gain. Rumors spread on social media have been associated with communal violence and mob justice.”¹⁸⁵
- “The Facebook platform in Myanmar is being used by bad actors to spread hate speech, incite violence, and coordinate harm.... Facebook has become a means for those seeking to spread hate and cause harm, and posts have been linked to offline violence.... [F]or example, the Report of the Independent International Fact-Finding Mission on Myanmar describes how Facebook has been used by bad actors to spread anti-Muslim, anti-Rohingya, and anti-activist sentiment.”¹⁸⁶
- “The consequences for the victim are severe, with lives and bodily integrity placed at risk from incitement to violence.”¹⁸⁷

141. On November 5, 2018, Alex Warofka, Facebook's Product Policy Manager, issued a statement on the BSR report: "The report concludes that, prior to this year, we weren't doing enough to help prevent our platform from being used to foment division and incite offline violence. We agree that we can and should do more."¹⁸⁸

¹⁸⁴ Open Hearing on Foreign Influence Operations' Use of Social Media Platforms, Senate Hearing 115-460 before the Select Comm. of Intel., 115th Cong. (Sept. 5, 2018), <https://www.govinfo.gov/content/pkg/CHRG-115shrg31350/html/CHRG-115shrg31350.htm>.

¹⁸⁵ BSR Report, at 13, https://about.fb.com/wp-content/uploads/2018/11/bsr-facebook-myanmar-hria_final.pdf.

Id. at 24.

¹⁸⁷ *Id.* at 35.

¹⁸⁸ Alex Warofka, *An Independent Assessment of the Human Rights Impact of Facebook in Myanmar*, FACEBOOK NEWSROOM (Nov. 5, 2018), <https://about.fb.com/news/2018/11/myanmar-hria/>.

1 142. In October 2021, a former member of Facebook's Integrity Team submitted a
 2 sworn whistleblower declaration to the SEC. It stated, *inter alia*:

3 At Facebook, ... there's no will to actually fix problems, in
 4 particular if doing so might reduce user engagement, and therefore
 profits....

5 Any projects Facebook undertakes under the banner of charity or
 6 community building are actually intended to drive engagement....

7 **Internet.org, Facebook's scheme to provide Internet to the
 8 developing world, wasn't about charity.... Inside the company,
 9 the dialogue was that this is about gaining an impenetrable
 10 foothold in order to harvest data from untapped markets.**

11 Through Internet.org, which provided Facebook at free or greatly
 12 reduced rates in key markets, Facebook effectively became the
 13 Internet for people in many developing countries.... **[Facebook
 14 executives would] say 'When you are the sole source for the
 15 Internet you are the sole source for news.'**

16 Facebook executives often use data to confuse, rather than clarify
 17 what is occurring. There is a conscious effort to answer questions
 18 from regulators in ways that intentionally downplay the severity of
 19 virtually any given issue....

20 An[] example of their playbook played out in the wake of the
 21 genocide of the Rohingya refugees in Myanmar, a country where
 22 Facebook was effectively the Internet for most people, and where
 23 the long-isolated population was vulnerable to information
 24 manipulation. **Facebook executives were fully aware that posts
 25 ordering hits by the Myanmar government on the minority
 Muslim Rohingya were spreading wildly on Facebook**, because
 it was being reported in the media and multiple aid-organizations,
 as well as major, top-tier reporters who used to call the company
 when they discovered early on that the genocide was being
 accommodated on Facebook. It was clear before the killing even
 started that members of the military junta in Myanmar were
 directing this activity. But, when the violence of the early stages of
 the Myanmar government-directed genocide metastasized and **the
 murders were unmistakably being directed on Facebook**, I was
 instructed to tell the media, "We know now, and we finally
 managed to remove their access, but we did not have enough
 Burmese-speaking moderators." This part was true; there was only
 one Burmese translator on the team of moderators for years, in the
 same period when the communications apparatus grew by leaps
 and bounds. **But the issue of the Rohingya being targeted on
 Facebook was well known inside the company for years.** I
 refused to deploy the approved talking point.

26 Later, after widespread public blowback forced the company to
 27 hire a human rights group to conduct an independent review,
 28 Facebook's policy manager Alex Warofka released a statement
 with the typical Facebook 'mea culpa' response: 'We agree that we

1 can and should do more.’ I quickly realized that the company was
 2 giving a PR response to a genocide that they accommodated—that,
 3 **I, working for Facebook, had been a party to genocide.** This is
 4 what prompted me to look for another job.¹⁸⁹

5 143. Facebook’s subsequent actions prove that, for an investment amounting to a
 6 minuscule portion of the company’s vast resources,¹⁹⁰ the company could have blocked much of
 7 the hate speech against the Rohingya. In August 2018, Facebook posted on its website:
 8

9 The ethnic violence in Myanmar has been truly horrific.... While
 10 *we were too slow to act*, we’re now making progress—with better
 11 technology to identify hate speech, improved reporting tools, and
 12 more people to review content.

13 Today, we are taking more action in Myanmar, removing a total of
 14 18 Facebook accounts, one Instagram account and 52 Facebook
 15 Pages, followed by almost 12 million people. We are preserving
 16 data, including content, on the accounts and Pages we have
 17 removed.¹⁹¹

18 144. In December 2018, Facebook updated its blog to report that it removed an
 19 additional “425 Facebook Pages, 17 Facebook Groups, 135 Facebook accounts and 15 Instagram
 20 accounts in Myanmar for engaging in coordinated inauthentic behavior on Facebook.... [W]e
 21 discovered that these seemingly independent news, entertainment, beauty and lifestyle Pages
 22 were linked to the Myanmar military.”¹⁹²

23 145. Rosa Birch, head of Facebook’s Strategic Response Team, told NBC in 2019 that
 24 “the team worked on a new tool that allows approved non-governmental organizations to flag
 25 problematic material they see on Facebook in a way that is seen more quickly by the company
 26 than if a regular user reported the material. ‘It sounds *relatively simple, and something that we*
 27

28¹⁸⁹ Emphasis added.

190 Between 2011 and 2017, Facebook reported revenues of \$115,357,000,000 and net
 191 income of \$34,893,000,000. *Facebook: annual revenue and net income 2007-2020*, STATISTICA
 192 RESEARCH DEPARTMENT (Feb. 5, 2021), <https://www.statista.com/statistics/277229/facebook-annual-revenue-and-net-income/>.

191 *Removing Myanmar Military Officials From Facebook*, FACEBOOK NEWSROOM (Aug. 28,
 192 2018), <https://about.fb.com/news/2018/08/removing-myanmar-officials/> (emphasis added).

192 *Id.*

1 *should have done a couple of years ago,’ she said.”¹⁹³ “When hate speech against the Rohingya
 2 minority in Myanmar spread virulently via Facebook in Burmese (a language spoken by some 42
 3 million people) Facebook was slow to act because it had no hate-speech detection algorithm in
 4 Burmese, and few Burmese-speaking moderators. But since the Rohingya genocide, Facebook
 5 has built a hate-speech classifier in Burmese by pouring resources toward the project. It paid to
 6 hire 100 Burmese-speaking content moderators, who manually built up a dataset of Burmese hate
 7 speech that was used to train an algorithm.”¹⁹⁴*

8 146. Recent revelations show, however, that Facebook continues to ignore the harm its
 9 algorithms and product inflict in developing countries. A September 2021 Wall Street Journal
 10 article based on leaked internal Facebook documents reported:

11 Facebook treats harm in developing countries as ‘simply the cost
 12 of doing business’ in those places, said Brian Boland, a former
 13 Facebook vice president who oversaw partnerships with internet
 14 providers in Africa and Asia before resigning at the end of last
 year. Facebook has focused its safety efforts on wealthier markets
 with powerful governments and media institutions, he said, even as
 it has turned to poorer countries for user growth.

15 ‘There is very rarely a significant, concerted effort to invest in
 16 fixing those areas,’ he said.

17 * * *

18 An internal Facebook report from March said actors including
 19 some states were frequently on the platform promoting violence,
 exacerbating ethnic divides and delegitimizing social institutions.
 20 ‘This is particularly prevalent—and problematic—in At Risk
 Countries,’ the report says.

21 It continues with a header in bold: ‘Current mitigation strategies
 22 are not enough.’¹⁹⁵

23 ¹⁹³ David Ingram, *Facebook’s new rapid response team has a crucial task: Avoid fueling
 another genocide*, NBC (June 20, 2019), <https://www.nbcnews.com/tech/tech-news/facebook-s-new-rapid-response-team-has-crucial-task-avoid-n1019821> (emphasis added).

24 ¹⁹⁴ Billy Perrigo, *Facebook Says It’s Removing More Hate Speech Than Ever Before, But
 There’s a Catch*, TIME (Nov. 27, 2019), <https://time.com/5739688/facebook-hate-speech-languages/>.

25 ¹⁹⁵ Justin Scheck, Newley Purnell, Jeff Horwitz, *Facebook Employees Flag Drug Cartels
 and Human Traffickers. The Company’s Response Is Weak, Documents Show*, WALL STREET
 JOURNAL (Sept. 16, 2021), <https://www.wsj.com/articles/facebook-drug-cartels-human-traffickers-response-is-weak-documents-11631812953>.

147. The Wall Street Journal article relates one example indicating that Facebook has learned nothing from its experience in Burma:

In Ethiopia, armed groups have used Facebook to incite violence. The company's internal communications show it doesn't have enough employees who speak some of the relevant languages to help monitor the situation. For some languages, Facebook also failed to build automated systems, called classifiers, that could weed out the worst abuses....

* * *

In a December planning document, a Facebook team wrote that the risk of bad consequences in Ethiopia was dire.... It said in some high-risk places like Ethiopia, ‘Our classifiers don’t work, and we’re largely blind to problems on our site.’

Groups associated with the Ethiopian government and state media posted inciting comments on Facebook against the Tigrayan minority, calling them ‘hyenas’ and ‘a cancer.’ Posts accusing Tigrayans of crimes such as money laundering were going viral, and some people on the site said the Tigrayans should be wiped out.

Violence escalated toward the end of last year, when the government launched an attack on the Tigray capital, Mekelle.

Secretary of State Antony Blinken said in March that Tigrayans are victims of ethnic cleansing.¹⁹⁶

148. Whistleblower Francis Haugen echoed this sentiment, noting that Facebook's efforts to train its systems in non-English languages are severely lacking, stating “[o]ne of the core things that I'm trying to draw attention to is the underinvestment in languages that aren't English.... Unfortunately the most fragile places in the world are the most diverse when it comes to languages.” She goes on to say “I saw a pattern of behavior where I believed there was no chance that Facebook would be able to solve these problems in isolation ... I saw what I feared was going to happen continue to unfurl ... I knew I could never live with myself if I watched 10 million, 20 million people over the next 20 years die because of violence that was facilitated by

196

¹⁹⁷ social media.”

2 149. Facebook's admissions that it should have done more to prevent the genocide in
3 Burma—and its subsequent efforts, if any—came too late for the tens of thousands of Rohingya
4 who have been murdered, raped, and tortured, and for the hundreds of thousands who are now
5 living in squalid refugee camps and displaced from their home across the world.

FACTS SPECIFIC TO JANE DOE

7 150. Plaintiff Jane Doe is a Rohingya Muslim woman who previously lived in the
8 Rakhine State, Burma.

9 151. In 2012, Plaintiff was about 16 years old, her father was detained, beaten, and
10 tortured for two weeks by the Myanmar military.

11 152. Around the same time, many young Rohingya girls in Plaintiff's village and
12 nearby villages were being taken from their families. Members of the Myanmar military came to
13 Plaintiff's village, and anyone who left their homes was killed. Plaintiff saw at least seven men
14 killed, as well as an elderly woman. Plaintiff knew that many others in her village were also
15 killed, including women and children, but she could only see those directly in the vicinity of her
16 home.

17 153. Fearful that she would be abducted and sexually assaulted or killed herself,
18 Plaintiff's family eventually urged her to flee Burma alone.

19 154. Plaintiff joined a group of Rohingya fleeing by boat to Bangladesh. She traveled
20 to Thailand and then Malaysia, where the UNHCR eventually arranged for her resettlement in
21 the United States.

22 155. Plaintiff is gravely concerned about her parents and her sisters, who remain in
23 Burma. Their homes and the small store that was their livelihood were destroyed during ethnic
24 violence. Plaintiff's family land, home, and personal property were eventually seized and those
25 that remained behind in Burma were forced from their homes. They lack any reliable source of

¹⁹⁷ Giulia Saudelli, *Facebook whistleblower warns company is neglecting languages other than English*, DW, <https://www.dw.com/en/facebook-whistleblower-warns-company-is-neglecting-languages-other-than-english/a-59739260>.

1 income and live in constant fear of further attacks by the Myanmar military or by Buddhist
 2 monks.

3 156. Plaintiff also has an aunt and uncle who fled to a refugee camp in Bangladesh,
 4 where they have remained for several years.

5 157. Plaintiff remains traumatized by the ethnic violence and threats of violence
 6 inflicted on her and her family.

7 158. Plaintiff did not learn that Facebook's conduct was a cause of her injuries until
 8 2021. A reasonable investigation by Plaintiff into the causes of her injuries would not have
 9 revealed this information prior to 2021 because Facebook's role in the Rohingya genocide was
 10 not widely known or well understood within the Rohingya community. Further, even if such
 11 information was known to various journalists or investigators at earlier points in time, Plaintiff's
 12 ability to discover such information was significantly hindered by her inability to read or write.

13 CLASS ACTION ALLEGATIONS

14 159. **Class Definition.** Plaintiff seeks to represent the following proposed Class
 15 pursuant to California Code of Civil Procedure § 382:

16 All Rohingya who left Burma (Myanmar) on or after June 1, 2012,
 17 and arrived in the United States under refugee status, or who
 sought asylum protection, and now reside in the United States.

18 The following are excluded from the Class: (1) any Judge or Magistrate presiding over this
 19 action and members of their families; (2) Defendant, Defendant's subsidiaries, parents,
 20 successors, predecessors, and any entity in which Defendant or its parents have a controlling
 21 interest, and its current or former employees, officers, or directors; (3) Plaintiff's counsel and
 22 Defendant's counsel; and (4) the legal representatives, successors, and assigns of any such
 23 excluded person.

24 160. **Ascertainability and Numerosity.** The Class is so numerous that joinder of all
 25 members is impracticable. At least 10,000 members of the Class reside in the United States.
 26 Class members are ascertainable and can be identified through public records.

1 161. **Commonality and Predominance.** There are many questions of law and fact
 2 common to the claims of Plaintiff and the Class and those questions predominate over any
 3 questions that may affect individual members of the Class. These common questions of law and
 4 fact include:

- 5 • Whether Facebook (the product) contains design defects that
 harmed Rohingya Muslims, and, if so, whether Facebook (the
 company) is strictly liable for them;
- 6 • Whether Facebook owed a duty of care to Rohingya Muslims
 when entering the Burmese market;
- 7 • Whether Facebook breached any duty of care to Rohingya
 Muslims in the way it operated in Burma; and
- 8 • Whether Facebook's Burmese operations caused harm to Rohingya
 Muslims.

12 162. **Typicality.** Plaintiff's claims are typical of the claims of all members of the
 13 Class. Plaintiff and the other Class members sustained damages as a result of Defendant's
 14 uniform wrongful conduct.

15 163. **Adequacy.** Plaintiff will fairly and adequately protect the interests of the Class.
 16 Plaintiff has retained counsel with substantial experience in prosecuting complex class actions
 17 and particular expertise in litigation involving social media. Plaintiff and her counsel are
 18 committed to vigorously prosecuting the action on behalf of the Class and have the resources to
 19 do so. Neither the Plaintiff nor her counsel have any interests adverse to those of the other
 20 members of the Class. Defendant has no defenses unique to Plaintiff.

21 164. **Superiority.** A class action is superior to all other available methods for the fair
 22 and efficient adjudication of this controversy and joinder of all members of the Class is
 23 impracticable. The members of the proposed Class are, by definition, recent immigrants and lack
 24 the tangible resources, language skills, and cultural sophistication to access and participate
 25 effectively in the prosecution of individual lawsuits in any forum having jurisdiction over
 26 Defendant. A class action in which the interests of the Class are advanced by representative
 27 parties therefore provides the greatest chance for individual Class members to obtain relief.

1 Moreover, duplicative individual litigation of the complex legal and factual controversies
 2 presented in this Complaint would increase the delay and expense to all parties and impose a
 3 tremendous burden on the courts. By contrast, a class action would reduce the burden of case
 4 management and advance the interests of judicial economy, speedy justice, and uniformity of
 5 decisions.

6 **FIRST CAUSE OF ACTION**

7 **STRICT PRODUCT LIABILITY**

8 165. Plaintiff incorporates the foregoing allegations as if fully set forth herein.

9 166. Facebook makes its social media product widely available to users around the
 10 world.

11 167. Facebook designed its system and the underlying algorithms and in a manner that
 12 rewarded users for posting, and thereby encouraged and trained them to post, increasingly
 13 extreme and outrageous hate speech, misinformation, and conspiracy theories attacking
 14 particular groups.

15 168. The design of Facebook's algorithms and product resulted in the proliferation and
 16 intensification of hate speech, misinformation, and conspiracy theories attacking the Rohingya in
 17 Burma, radicalizing users, causing injury to Plaintiff and the Class, as described above.

18 Accordingly, through the design of its algorithms and product, Facebook (1) contributed to the
 19 development and creation of such hate speech and misinformation and (2) radicalized users,
 20 causing them to tolerate, support, and even participate in the persecution of and ethnic violence
 21 against Plaintiff and the Class.

22 169. Because (1) the persecution of the Rohingya by the military government was
 23 widely known before Facebook launched its product in Burma and (2) Facebook was repeatedly
 24 warned after the launch that hate speech and misinformation on the system was likely to result in
 25 ethnic violence, Facebook knew and had reason to expect that the Myanmar military and non-
 26 Rohingya civilians would engage in violence and commit atrocities against Plaintiff and the
 27 Class.

1 170. Moreover, the kind of harm resulting from the ethnic violence committed by the
2 Myanmar military and their non-Rohingya supporters is precisely the kind of harm that could
3 have been reasonably expected from Facebook's propagation and prioritization of anti-Rohingya
4 hate speech and misinformation on its system—*e.g.*, wrongful death, personal injury, pain and
5 suffering, emotional distress, and property loss.

6 171. The dangers inherent in the design of Facebook's algorithms and product
7 outweigh the benefits, if any, afforded by that design.

8 172. Plaintiff and the Class are entitled to actual damages proximately caused by the
9 defective design of Facebook's algorithms and system.

10 173. Plaintiff and the Class are further entitled to punitive damages caused by
11 Facebook's failure to correct or withdraw its algorithms and product after Facebook knew about
12 their defects.

SECOND CAUSE OF ACTION

NEGLIGENCE

174. Plaintiff incorporates the foregoing allegations as if fully set forth herein.

16 175. When operating in Burma—as everywhere—Facebook had a duty to use
17 reasonable care to avoid injuring others.

18 176. Facebook breached this duty by—among other things—negligently designing its
19 algorithms to fill Burmese users’ News Feeds (especially users particularly susceptible to such
20 content) with disproportionate amounts of hate speech, misinformation, and other content
21 dangerous to Plaintiff and the Class; negligently contributing to the creation of hate speech,
22 misinformation, and other content dangerous to Plaintiff and the Class by rewarding (and thus
23 encouraging) users to post ever more extreme content; negligently failing to remove such
24 dangerous content from its system after having been repeatedly warned of the potential for such
25 content to incite violence; negligently making connections between and among violent
26 extremists and susceptible potential violent actors; and negligently allowing users to use

1 Facebook in a manner that Facebook knew or should have known would create an unreasonable
2 risk to Plaintiff and the Class.

3 177. Because (1) the persecution of the Rohingya by the military government was
4 widely known before Facebook launched its product in Burma and (2) Facebook was repeatedly
5 warned after the launch that hate speech and misinformation on the system was likely to result in
6 ethnic violence, Facebook knew and had reason to expect that the proliferation of such content
7 on its system could incite and facilitate violence and atrocities by the Myanmar military and non-
8 Rohingya civilians against Plaintiff and the Class.

9 178. Moreover, the kind of harm resulting from the ethnic violence committed by the
10 Myanmar military and their non-Rohingya supporters is precisely the kind of harm that could
11 have been reasonably expected from Facebook's negligent propagation and prioritization of anti-
12 Rohingya hate speech and misinformation on its system—*e.g.*, wrongful death, personal injury,
13 pain and suffering, emotional distress, and property loss.

14 179. Facebook's acts and omissions in breach of its duty of care were a proximate
15 cause of the persecution of and ethnic violence against—and resulting injuries to—Plaintiff and
16 the Class.

17 180. Plaintiff and the Class are entitled to actual damages proximately caused by
18 Facebook's negligence of its algorithms and product.

19 181. Plaintiff and the Class are further entitled to punitive damages caused by
20 Facebook's failure to correct or withdraw its algorithms and system after Facebook knew about
21 their defects.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Jane Doe, on behalf of herself and the Class, respectfully requests
that this Court enter an Order:

25 A. Certifying the case as a class action on behalf of the Class, as defined above,
26 appointing Plaintiff Jane Doe as representative of the Class, and appointing her counsel as Class
27 Counsel;

B. Declaring that Defendant is strictly liable for defects, as described above, in its algorithms and system; and that Defendant, as described above, acted negligently;

C. Awarding the Class compensatory damages for wrongful death, personal injury, pain and suffering, emotional distress, and loss of property, in the amount of at least \$150 billion;

D. Awarding Plaintiff and the Class punitive damages in an amount to be determined at trial.

E. Awarding Plaintiff and the Class their reasonable litigation expenses and attorneys' fees;

F. Awarding the Plaintiff and the Class pre- and post-judgment interest, to the extent allowable; and

G. Awarding such other and further relief as equity and justice may require.

JURY TRIAL

Plaintiff demands a trial by jury for all issues so triable.

Respectfully Submitted,

JANE DOE, individually and on behalf of all others similarly situated,

Dated: December 6, 2021

By: _____
One of Plaintiff's Attorneys

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19 *Counsel for Plaintiff and the Proposed Class*

20 **Admission pro hac vice to be sought.*